

Curran, Kimberley

From: Burns, Bill
Sent: Friday, January 31, 2014 2:21 PM
To: 'Amie Ochsenfeld'
Cc: Curran, Kimberley
Subject: RE: 2013 Drafted Rules for USTs in Florida

Amie:

Thank you for submitting your comments to the proposed revision to the rule.

William E. Burns, Jr.
Environmental Administrator
Compliance Assistance
Division of Waste Management
Department of Environmental
Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
850/245-8842



Please consider the environment before printing this email.

From: Amie Ochsenfeld [mailto:amie_ochsenfeld@hotmail.com]
Sent: Friday, January 31, 2014 1:58 PM
To: Burns, Bill
Subject: 2013 Drafted Rules for USTs in Florida

Mr. Burns,

Our company will be affected by changing sections 62-761.600 Release Detection Requirements & 62-761.710 Record keeping. So we would recommend keeping these sections as they were originally.

**Thank You,
Amie Ochsenfeld**

Curran, Kimberley

From: Burns, Bill
Sent: Friday, January 31, 2014 3:08 PM
To: 'Jennifer Grant'
Cc: Curran, Kimberley
Subject: RE: Florida Rule Changes.doc

Ms. Grant:

Thank you for your comments.

William E. Burns, Jr.
Environmental Administrator
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Please consider the environment before printing this email.

From: Jennifer Grant [mailto:jennifer@1stchoice-inc.com]
Sent: Friday, January 31, 2014 2:26 PM
To: Burns, Bill
Subject: Florida Rule Changes.doc

I do not agree with changing the rules for a monthly inspection. Using the Electronic Release detection in place of the monthly visual inspections is not a good idea simply because an electronic sensor will not alert you if there are any holes or cracks, nor will it alert you if the boots are bad...etc. There is a need for the monthly inspections, one of the reasons being checking the sumps for the sensors to make sure they are still there and in the correct location of the sump. Having the monthly inspections will also keep all your information up to date and keep any leaks from becoming spills.

Thank You,
Jennfier Grant
1st Choice Compliance
[Jennifer@1stchoice-inc.com](mailto:jennifer@1stchoice-inc.com)

(888)325-0117 EX:115

Curran, Kimberley

From: Burns, Bill
Sent: Friday, January 31, 2014 3:12 PM
To: 'Jeannie Hartley'
Cc: Curran, Kimberley
Subject: RE: Drafted Rules for UST's in Florida

Ms. Hartley:

Thank you for your comments.

William E. Burns, Jr.
Environmental Administrator
Compliance Assistance
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2600 Blair Stone Road
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Please consider the environment before printing this email.

From: Jeannie Hartley [mailto:jeannie@1stchoice-inc.com]
Sent: Friday, January 31, 2014 3:05 PM
To: Burns, Bill
Subject: Drafted Rules for UST's in Florida

Good Afternoon Mr. Burns,
I needed to contact you and express my concern about these new regulations.

In 62-761.600 for the Release Detection Requirements, my concern is that this rule completely disregards the fact that things need maintenance. If the electronics go bad or need calibration, then how is an owner/operator going to know that something is damaged in the system in the case that they are not having someone open everything up and look at it monthly? A crack could develop in an inconspicuous place, or rust could begin to eat away at parts. The electronics do not notify you of everything that could go wrong. Monthly visual inspections are needed to keep things running smoothly and help prevent damage that could eventually cause a release.

I hope that you take my thoughts into consideration.

Thank You

--

Jeannie Hartley

Executive Project Manager

1st Choice Compliance

P.O. Box 70246

Albany, GA 31708-0246

235 W. Roosevelt Ave. Ste. 250

Office: 1-888-325-0117 ext 103

Direct: [229-255-3396](tel:229-255-3396)

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Curran, Kimberley

From: Burns, Bill
Sent: Monday, February 03, 2014 7:51 AM
To: Denise Purvis
Cc: Curran, Kimberley
Subject: RE: Comments to 2013 Draft CHAPTER 62-761 UNDERGROUND STORAGE TANK SYSTEMS

Ms. Purvis:

Thank you for your comments to the proposed rule revisions.

William E. Burns, Jr.
Environmental Administrator
Compliance Assistance
Division of Waste Management
Department of Environmental
Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
850/245-8842



Please consider the environment before printing this email.

From: Denise Purvis <denise@1stchoice-inc.com>
Sent: Friday, January 31, 2014 4:58 PM
To: Burns, Bill
Subject: Comments to 2013 Draft CHAPTER 62-761 UNDERGROUND STORAGE TANK SYSTEMS

Mr. Burns,

We believe that the following changes to Chapter 62-761 of UST Systems should be as it was originally listed in the rules. Please see the comments below for specifics.

Thank you.

CHAPTER 62-761 UNDERGROUND STORAGE TANK SYSTEMS

62-761.600 Release Detection Requirements

Need to change it back to require monthly visual inspections.

1(e)--The new rule does not require a visual inspection for any component using electronic release detection. This needs to be changed back to requiring a visual inspection on equipment that use electronic release detection.

Reasons:

(1) Electronics fail

- They cannot alert you if theres a crack or hole
- Won't alert you if the boots are bad
- Things get old and require maintenance

(2) Frequency

- At least require a monthly MVI

(3) Must physically open sump to check status

- Is sensor still inside of sump, etc?

62-761.700 Repairs, Operation and Maintenance

3(a)(1)--Section 4 of RP 1200 (page 6)

62-761.710 Recordkeeping.

(2) Recordkeeping should be changed back to a term of two years instead of five.

Denise Purvis

Director of Legal Affairs



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Curran, Kimberley

From: Burns, Bill
Sent: Friday, January 31, 2014 2:22 PM
To: 'Dana Spence'
Cc: Curran, Kimberley
Subject: RE: Proposed rule changes

Dana:

Thank you for the comments to the proposed rule revision.

William E. Burns, Jr.
Environmental Administrator
Compliance Assistance
Division of Waste Management
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850/245-8842



Please consider the environment before printing this email.

From: Dana Spence [mailto:dana@1stchoice-inc.com]
Sent: Friday, January 31, 2014 2:17 PM
To: Burns, Bill
Subject: Proposed rule changes

Good afternoon Mr. Burns. After looking over the proposed rule changes, I really just had one serious issue with them. The proposed 62-761.600 1(e) does not require monthly visual inspections on equipment that is electronically monitored. I feel this is a mistake as electronics fail, electronics cannot alert you to a crack or hole in the equipment, and electronics can be manipulated. If a sensor goes out, and you have liquid in the containment, it isn't going to alarm. This could allow fuel into the environment through bad piping boots, cracks or holes, etc. if they are not visually checking the equipment. Any of these sensors can also be pulled up off of the bottom of the equipment they are monitoring, so they do not go into alarm. We have inspectors catch stuff like that all the time out in the field. I think the monthly visual inspection should be left in place, regardless of any other type of monitoring. There is still quite a bit of value in the old standard manual inspection.

Thank you,
Dana F. Spence
Vice President



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Curran, Kimberley

From: Burns, Bill
Sent: Friday, January 31, 2014 11:08 PM
To: jpardue93@gmail.com
Cc: Curran, Kimberley
Subject: FW: Florida Rule Change Comments

Justin:

Thank you for the comments to proposed rule revisions.

From: Justin Pardue <jpardue93@gmail.com>
Sent: Friday, January 31, 2014 4:49 PM
To: Burns, Bill
Subject: Florida Rule Change Comments

62-761.600 Release Detection Requirements

Visual inspections on equipment using electronic release detection should be required monthly for multiple reasons: the sump must be physically opened to check the status, electronics fail and have been shown to be faulty, there won't be a notification if the boots are bad, no alerts for cracks or holes.

62-761.710 Recordkeeping

This should be reverted back to two years instead of five.

Curran, Kimberley

From: KIRKPATRICK, JASON W CTR USAF AMC 6 CES/CEVN
<jason.kirkpatrick.2.ctr@us.af.mil>
Sent: Wednesday, November 20, 2013 2:54 PM
To: Burns, Bill
Cc: Curran, Kimberley
Subject: RE: Comments on Draft Rule Changes 62-761 & 62-762

The INF stuff makes sense now. Thank you. I'll try to get involved on the webinar.

Jason K

//SIGNED//

JASON W. KIRKPATRICK, Contractor, IAP Worldwide Services Inc.
6th Civil Engineer Squadron
7621 Hillsborough Loop Dr.
MacDill AFB, FL 33621
Cell 813-695-3206
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DSN 968-0459

-----Original Message-----

From: Burns, Bill [mailto:Bill.Burns@dep.state.fl.us]
Sent: Wednesday, November 20, 2013 2:18 PM
To: KIRKPATRICK, JASON W CTR USAF AMC 6 CES/CEVN
Cc: Curran, Kimberley
Subject: RE: Comments on Draft Rule Changes 62-761 & 62-762

Mr. Kirkpatrick:

Thank you for your comments here are my responses:

. Comment 1: Please refer to 62-762.431 (3)

(3) Notification of the discovery of any incident shall be made to the County on an INF in writing or electronic format within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

There is similar language in the 62-761 draft.

. Comment 2: We will take that under advisement.

Again that you for comments and hope that will be able to attend our Workshops on 17 Dec here in Tallahassee or via webinar.

Webinar information for the AST Rule:

Workshop attendance via webinar at:

<https://www2.gotomeeting.com/register/416024186>

<<https://www2.gotomeeting.com/register/416024186>>

with audio via call in number (888)670-3525 passcode: 8135053297 then #

Please be advised webinar connections are limited, early registration is recommended.

William E. Burns, Jr.

Environmental Administrator

Compliance Assistance

Division of Waste Management

Department of Environmental Protection

2600 Blair Stone Road

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DEP color logo for PC

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-----Original Message-----

From: KIRKPATRICK, JASON W CTR USAF AMC 6 CES/CEVN

[mailto:jason.kirkpatrick.2.ctr@us.af.mil]

Sent: Wednesday, November 20, 2013 1:30 PM

To: Burns, Bill

Subject: Comments on Draft Rule Changes 62-761 & 62-762

Mr. Burns;

Comment #1: If I am reading the revisions to 62-761.600 (1)(e) correctly, it appears that "visual inspections of a storage tank system that reveal signs of corrosion, cracks,.....is considered a positive response. The positive response shall be....investigated as an incident pursuant to Rule 62-761.430"

If a positive response (i.e. corrosion) is considered an incident, under the new rule are we going to be required to submit an Incident Notification Form when we discover rust on our tanks? I've got a local regulator that is a stickler for rust, and if I have to submit an INF every time rust is discovered, that seems a little extreme.

Comment #2: In 62-761.700 (3)(a) it discusses integrity testing of the secondary containment system and interstitial spaces. The testing seems reasonable, but having to have EVERY tank system with below ground piping, sumps, tank walls, dispensers, etc. tested before 1 Jan 2015, could represent a significant amount of work and cost for large facilities with many storage tank systems (such as an Air Force Base). Wouldn't it make more sense to stagger the implementation of this requirement - tanks installed prior to 1980 tested first (2015), tanks installed prior to 1990 tested next (by 2018), and tanks installed after 2000 tested by (2020)...or something similar. Doing it this way would spread out the financial impact of this requirement.

Jason K

//SIGNED//

JASON W. KIRKPATRICK, Contractor, IAP Worldwide Services Inc.

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7-Eleven, Inc.

January 17, 2014

Mr. William E Burns, Jr
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: 7-Eleven Comments for Chapter 62-761 DRAFT

Dear William:

On behalf of 7-Eleven, Incorporated I would like to submit the attached comments regarding the Florida Department of Environmental Protection's Chapter 62-761 DRAFT. Presently 7-Eleven owns and operates 582 gasoline facilities in Florida and plans to develop and open more stores this year.

As a side note, I would like to stress per Joe DePinto, CEO and President of 7-Eleven, Incorporated, "It is 7-Eleven's philosophy that compliance with applicable gasoline environmental regulations is an essential element of our corporate philosophy and an important part of being a good neighbor and being a part of the communities we serve."

My primary concern regarding the changes in the DRAFT is the short timeframe provided to complete the secondary testing. The other comments are mostly tweaking in nature.

Thank you for giving me the opportunity and consideration to comment on the proposed Rule. Please contact me if you have any questions.

Respectfully,

A handwritten signature in blue ink that reads 'Cathy Wise'.

Cathy Wise
Region Environmental Compliance Manager
7-Eleven Fuels Services, Inc.
Environmental Compliance Dept #0148
P.O. Box 711
Dallas, TX 75221

Chapter 62-761.200 Definitions

(27) “Interstice” means the space between the primary and secondary wall of a storage tank system component.

7-Eleven Comment: Vague definition and open for various interpretations – primary and secondary “wall” leads me to believe “tank wall” but storage tank system includes dispenser liners, STP sumps and fill bucket secondaries. Does “interstice” include all tank system secondaries or just the tank secondary space?

Chapter 62-761.405(3) Notification

(3) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form(INF), effective date, (effective date of the rule), hereby adopted and incorporated by reference, within 72 hours; however an INF need not be submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-761.430, F.A.C., confirms that a discharge did or did not occur. Copies of the INF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

7-Eleven Comment: Add “within 72 hours or before the close of the County’s next business day”.

Reason for the Comment: If a possible release event occurs on a Friday or Monday and it is a holiday, the INF can feasibly be completed on the following business working day.

Chapter 62-761.405(4) Notification

4) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, (*effective date of the rule*), hereby adopted and incorporated by reference, within 24 hours. Copies of the DRF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400...

7-Eleven Comment: Add “within 24 hours or before the close of the County’s next business day”.

Reason for Comment: Comment would allow for business working hours and has worked well for us in the past.

Chapter 62-761.430 Incidents (1)(a.)1.

Any visual inspection of a storage tank system that reveals signs of corrosion, cracks, structural damage, leakage, or other similar problems;

7-Eleven Comment: Add a quantifier to “corrosion” for example “severe or heavy corrosion”. The word corrosion is wide open for various interpretations. The current regulation states “corrosion holes”.

Chapter 62-761.430 Incidents (1)(a)6.

Any visual inspection that indicates the presence of water and/or regulated substances in the interstice.

7-Eleven Comment: Does interstice include tank system secondaries, i.e. STP sumps, dispenser liners and fill bucket secondaries? If yes, quantify the amount of water.

Chapter 62-761.430 Incidents (2)

If an incident occurs at a facility, actions shall be taken within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

7-Eleven Comment: Delete (2) or instead of “within 24 hours” for response time insert the word “promptly”.

7-Eleven Reason for Comment: Hurricanes and other inclement weather conditions or fires are common in Florida. 7-Eleven service contractors may not have access/electricity to the affected facility for several days. Also a rash of facilities that have simultaneous alarms due to flash flooding cannot feasibly be addressed within a 24 hour timeframe.

Chapter 62-761.430 Incidents

(3) Notification of the discovery of any incident shall be made to the County in writing or electronic format on an INF within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

7-Eleven Comment: Add, “within 72 hours or before the close of the County’s next business day”.

7-Eleven Reason for Comment: Holidays can occur on Monday and/or Friday. (Thanksgiving is on a Thursday and most businesses are closed on Friday too.)

Chapter 62-761.500(1)(b)7. Storage Tank System Requirements

An interstitial integrity test shall be performed on double-walled spill buckets or double-walled sumps in accordance with PEI/RP1200-12 before the component is placed into service.

7-Eleven’s Comment: Both double-walled and single-walled containment buckets should have the same testing requirements. Remove secondary testing requirement for double-walled spill buckets.

Reason for the Comment: It is onerous and punitive for facility owners who have spent extra funds on equipment to protect their system from a release by installing double walled systems to be singled out with more stringent testing requirements adding even more to the cost of the project and testing. It is only fair for both single and double-walled buckets to have the same testing protocol.

Chapter 62-761.500(1)(h)

Whenever storage tanks and/or integral piping are installed, modified or relocated after the effective date of this rule, Record Drawings (“as-builts”), signed and sealed by a professional engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-761.710, F.A.C. The as-built drawing shall include all construction and equipment design specifications including exact dimensions, geometry, and locations of the storage tanks and/or integral piping, of the work completed under contract, and any changes made to the original specifications during the construction process.

7-Eleven’s Comment: Integral piping replacements, modifications, and relocations should not require “As BUILTS”.

Reason for the Comment: Drawings drive up cost for piping projects, discourages piping upgrades and does not add extra environmental protection from a release.

Chapter 62-761.600(1)(e)

Visual inspections. Every component of a storage tank system that can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-761.710, F.A.C. Any visual inspection of a storage tank system that reveals signs of corrosion, cracks, structural damage, leakage, or other similar problems is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. Repairs shall be made in accordance with Rule 62-761.700, F.A.C. A visual inspection is not required for any system component using an electronic release detection method.

7-Eleven Comment: Add a quantifier to “corrosion” for example “severe or heavy corrosion”. The word corrosion is wide open for interpretation. The current regulation states “corrosion holes”.

Chapter 62-761.600(1)(g)

Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to potential releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results.

7-Eleven’s Comment: If the release detection system is not capable of printing records, an electronic copy kept off site should be acceptable providing it can be made available at the facility or another agreed upon location upon five working days of the Department’s request.

Reason for Comment: Because of 7-Eleven’s tank monitor security program, alarm history and testing results cannot be printed on site. 7-Eleven remotely and continuously polls alarms, sensors status and test results related to potential releases from the gas tank monitor. 7-Eleven has contracted Fuel Quest to review the results and dispatch the possible release alarms around the clock. The requirement of a manual log for summary reports, if a tape cannot be printed from the monitor, is outdated and inefficient in today’s tech world.

Chapter 62-761.700(3)(a)1.b.c.d. Repairs, Operation and Maintenance, Integrity Testing Schedule

b. The interstice of double-walled integral piping by January 1, 2015, and every five years thereafter;

c. Below-grade piping sumps by January 1, 2015, and every five years thereafter;

d. Below-grade dispenser sumps by January 1, 2015, and every five years thereafter;

7-Eleven's Comment: I would like the rule to state: "The interstice of double-walled integral piping, below-grade piping sumps and below-grade dispenser sumps shall be performed by (5) years after the effective date of the rule, and every five years thereafter; " Stores already tested within five years from the time the rule passes should not need to be retested until the five year period is up.

Reason for Comment: 7-Eleven will need 5 years to accomplish secondary testing for the following reasons:

- 1) Testing the secondary is very costly and time consuming. To test the secondary piping and dispenser liners, the dispensers will need to be removed at a vast number of the 7-11 facilities. Entry boots will need to be secured for the dispenser liner test. Jumpers will need to be installed to test the line secondary as a continuous piping run. The dispenser liners and the STP sumps cannot be tested under vacuum or pressure and must be filled with water. If a problem exists, the water must be removed to accommodate the repairs and then the sump refilled.
- 2) Most importantly, if there is a secondary failure it takes 7-Eleven approximately 3 months for project planning, permitting, funds appropriation, bidding, equipment procurement, regulatory notifications and then finally the completion of the project, which takes about a week to complete. I recommend the testing be phased in to avoid a run on supply of entry boots and product piping. The new regulation is particularly onerous and punitive for the retailers that proactively replaced their single wall systems 20-25 years ago and now are facing secondary testing for a system that was not designed to be easily tested. I believe even five years does not give large companies like 7-Eleven, Inc. ample time to conduct the testing and make the necessary repairs. If this stringent testing proposal passes as stated, I anticipate numerous store closures for especially the lesser profitable and independently owned facilities.

Chapter 62-761.700(3)(a)1.e.

Double-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter;

f. Single-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 month thereafter; and

7-Eleven's Comment: Both Double-walled and Single-walled containment systems should have the same testing requirements.

Reason for the Comment: It is onerous and punitive for facilities owners who have taken extra measures to protect their equipment from a release by installing double walled systems to be singled out with more stringent testing requirements. If annual testing of the primary buckets is ample protection for the single walled bucket it should also be ample protection for the double walled system. I believe both single and double walled buckets should have the same testing protocol.

62-761.710(1)3(c) Recordkeeping

(a) Repair, operation, and maintenance records;

(b) All release detection results

(d) Records of the types of fuels stored per tank.

7-Eleven's Comment: For all the records where the retention time changed from two to five years, 7-Eleven should be allowed to accumulate them throughout five years after the RULE's effective date.

Reason for Comment: Records not required before the rule passed may not have been retained.

62-761.800(2) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: 3. A storage tank system that requires repair pursuant to Rule 62-761.700, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter.

7-Eleven's Comment: I recommend the rule be changed from 90 days to 365 days.

Reason for the Comment: 90 days is not enough time to determine whether a viable repair can be made to a storage tank system that is out of service per 62-761.800(1)2. An example is a Total Containment, Inc. tank that is taken out of service because there is water in the tank's secondary, the tank's outer wall cannot be repaired and 7-Eleven decides to replace the tank. It takes time for the approval, planning, permitting, bidding and procurement and the construction process to be set in motion. To perform a tank closure by filling the tank with solid inert material and then turn around and replace it in a few months is a waste of valuable funds. I do not believe a tank system that was properly taken out of service poses an environmental danger if abandoned or removed by 365 days.

Hopping Green & Sams

Attorneys and Counselors

January 31, 2014

By Electronic Mail

William E. Burns, Jr.
Environmental Administrator
Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Chapter 62-761, F.A.C. (Underground Storage Tank (UST) Systems);
Chapter 62-762, F.A.C., (Aboveground Storage Tank (AST) Systems)
December 2013 Rule Drafts

Dear Bill:

On behalf of the Florida Electric Power Coordinating Group, Inc. Environmental Committee (FCG) and Florida Power & Light Company (FPL), I am submitting this letter for the purpose of providing written comments in regard to proposed rule amendments to Chapters 62-761 and 62-762, Florida Administrative Code (F.A.C.) that were the subject of an agency rule development workshop on December 17, 2013. The FCG is a not-for-profit association of twenty-eight (28) investor-owned, municipally-owned, and cooperatively-owned electric utilities engaged in the business of providing the majority of electric power to the public in the State of Florida. FPL is the largest electric utility in Florida and one of the largest rate-regulated utilities in the United States. FPL generates power from 16 power plants and delivers it by way of 69,350 miles of power lines to approximately 4.5 million customers in about half the State of Florida. FCG member electric utilities and FPL own and operate storage tank systems and undertake activities which are subject to the provisions of Chapters 62-761 and 62-762, F.A.C.

The FCG's and FPL's joint written comments concerning the agency draft rule amendments are provided below and, where appropriate, reference page numbers in the Florida Department of Environmental Protection's (FDEP or Department) December 2013 rule drafts that were made available through FDEP's website. The FCG and FPL hope that to the extent FDEP agrees to incorporate these comments, such comments are included in the next version of the rule drafts that the agency develops.

General Comments

During the rule development workshop, agency staff expressed that any new regulatory requirements proposed during this rulemaking are to apply only to storage tank systems installed or constructed after the effective date of the proposed rule amendments and that such new requirements were not to apply to existing storage tank systems (except where specifically indicated otherwise). Upon the FCG's and FPL's review of the December 2013 workshop drafts, they believe that this point remains unclear. As a result, the FCG and FPL suggest that FDEP develop rule language in the appropriate section(s) of the rule chapters indicating that each new regulatory requirement, unless otherwise indicated, applies only to storage tank systems installed after the legal effective date of the rule amendments. Indeed, an example of such language has already been included by FDEP on page 11 of the AST rule draft at Rule 62-762.211(3), F.A.C. In addition to general rule language being included in each section as suggested above, more specific rule language on this point should also be inserted where each new substantive requirement appears in the rules.

Along these lines, where the Department is proposing new substantive requirements for storage tank systems, the FCG and FPL would like to better understand what data and other information is available demonstrating that current rule requirements are inadequate. If such information is made available to the regulated community, it may more effectively participate in finding a solution that is mutually beneficial for industry and Florida's environment.

As discussed during the rule development workshop, FCG and FPL believe that the AST draft rules would be much easier to understand if all of the requirements for field-erected ASTs were separated and consolidated into one subpart of the AST rule chapter or in a separate rule chapter altogether. FCG members and FPL own a number of these types of ASTs and these ASTs are much different than shop-fabricated systems and necessitate separate treatment. Implementation of this suggestion will result in greater understanding of the technical requirements for field-erected ASTs and will improve compliance and ultimately environmental protection. Indeed, the Department should give strong consideration to separating the AST rule into specific subparts addressing shop-fabricated ASTs, field-erected ASTs, and mineral acid ASTs.

Before scheduling additional workshops, the FCG and FPL suggest that FDEP create technical working groups with appropriate stakeholders to address specific technical issues in this rulemaking. A smaller working group of Department personnel, County representatives, and industry representatives may be more effective and time efficient in resolving the more technical and complex issues raised in this rulemaking. This format has been used effectively by the Department in other rulemaking matters.

Finally, the FCG and FPL request that the next FDEP rule draft include line numbers to facilitate the regulated community's review of the agency's draft rule amendments and preparation of comments to the agency. Along these lines, the FCG and FPL also ask that in the next rule draft that FDEP highlight in shading or by other means any new technical requirements being proposed for storage tank systems.

Specific Comments – Chapter 62-762, F.A.C.

1. Rule 62-762.201; Pages 2-9. Throughout this section of the rule, FDEP is deleting terms currently defined in the rule chapter which also appear in Florida Statutes. The FCG and FPL believe that these statutory definitions should be retained to further assist the regulated community by eliminating the need to refer to additional sources in determining the meaning of terms used throughout the rule chapter. Maintaining these terms in the "Definition" section of the rule chapter will promote better understanding of the rule and ultimately better compliance with rule provisions.
2. Rule 62-762.201(10); Page 2. The FCG and FPL suggest that the last sentence of the definition for "corrosion professional" be modified to read "Corrosion Professionals shall be accredited or certified by NACE International as either a Corrosion Specialist or a Cathodic Protection Specialist, or be a professional engineer registered in the State of Florida". Including the NACE Cathodic Protection Specialist designation would be appropriate in the definition. The proposed change relates to education and experience specific to cathodic protection (CP) work, as Cathodic Protection Specialists are qualified specific to CP testing, theory, and design.
3. Rule 62-762.201(11); Page 2. Definition of the term "County" should be modified by inserting the word "local government" before the word "program". This provides more clarity in the type of entity defined as a County. The currently drafted definition is too broad and arguably could be interpreted to include non-governmental entities. To the extent FDEP is using non-governmental entities to conduct compliance verifications, a separate definition should be developed for such entities.
4. Rule 62-762.201(12); Page 3. A definition of the term "day tank" is being proposed to include tanks with capacities of less than 551 gallons that are used to provide a reliable supply of fuel to engines. That term is proposed to be included in the definition of "storage tank system". The FCG and FPL are uncertain as to why it is necessary to regulate such tanks and many of these systems are located forward of fuel forwarding pumps in industrial facilities. If there is a need to provide additional environmental protection for such systems, the FCG and FPL would like to know what data or other information supports additional regulation of these systems. Furthermore, the FCG and FPL believe that this definition should not apply to systems serving generators that are used only occasionally for emergency purposes.

Finally, the FCG and FPL suggest that the phrase "system component" be deleted in this definition and other provisions in this rule chapter where appropriate. The definition of "storage tank system" in the rule already includes storage tank system components.

5. Rule 62-762.201(16); Page 3. Inclusion of the term "dispenser" in the existing definition of the term "dispensing system" is problematic as the existing term "dispenser" is limited to systems used to transfer vehicular fuel from a fixed point to a vehicle. The Department is proposing that the term "dispenser" and its definition be deleted. As currently drafted, certain industrial fuel forwarding systems like those at manufacturing facilities and power plants would arguably be defined as "dispensers" subjecting them to unnecessary regulatory requirements. The FCG suggests that these terms and their corresponding definitions should not be consolidated but, instead, retained as separate defined terms.
6. Rule 62-762.201(18); Page 3. The FCG and FPL note that the revised definition of the term "double-walled" is confusing. The FCG and FPL suggest that the second appearance of the phrase "that has an outer wall" be deleted to provide more clarity.
7. Rule 62-762.201(); Page 3. The FCG and FPL would like to understand the agency's rationale for proposing to delete the definition of the term "existing contamination".
8. Rule 62-762.201(22); Page 4. The definition of "high viscosity" should not be modified to include only those specific pollutants that are "heating oil". If the product has a viscosity of 30 centistokes or higher at 40 degrees Centigrade, then that product should qualify as a high viscosity substance as originally defined by the Department. In addition, the FCG and FPL want to understand the agency's rationale for excluding new motor oil and lubricating oil from this definition where such products meet the technical parameters of this definition.
9. Rule 62-762.201(26); Page 4. The FDEP is adding specific technical standards to the definition of "impervious". Would such standards be applied to existing storage tank systems? The FCG and FPL believe that these technical requirements should only be applied prospectively. Consistent with previous comments, the FCG and FPL suggest that appropriate "grandfathering" language be developed to address this and any other rule requirements that are new.
10. Rule 62-762.201(29); Pages 4-5. In the definition of the term "industrial occupancy building", the phrase "constructed after July 13, 1998" should be changed to

reflect the effective date of the rule amendments. FDEP is proposing to add specific design and construction reference standards for such buildings and these new requirements should not be applied retroactively.

11. Rule 62-762.201(31); Page 5. The definition of the term "in-service" is missing a verb and the FCG and FPL suggest that the word "contains" be included after the word "that".
12. Rule 62-762.201(33); Page 5. The FCG and FPL would like to know whether the term "liquid level monitoring systems" includes traditional "stick testing" that is employed for double-walled tanks to check for liquid in the interstitial test tube?
13. Rule 62-762.201(40); Page 6. The FCG and FPL believe that the proposed term "new" in the rule draft may not fully address prospective application of new technical requirements. Consistent with previous comments, the FCG and FPL suggest that more detailed "grandfathering" language be developed in this regard.
14. Rule 62-762.201(50); Page 7. As currently drafted, it appears that pressure tests may be limited to bulk product piping. If that is the agency's intent, the FCG and FPL would like to know why pressure tests are being limited to bulk product piping and not made applicable to any integral piping.
15. Rule 62-762.201(58); Page 8. The FCG and FPL would like to understand why the agency is proposing to delete existing rule language that release prevention barriers specified in API Standard 650 constitute secondary containment for field-erected ASTs. This rule language should be retained.
16. Rule 62-762.201(62); Page 8. The FCG and FPL note that the only reference to "spill containment system" in the rule chapter refers to fill port containment. It may be preferable to use the term "fill containment system" rather than "spill containment system" for greater clarity in the rule.
17. Rule 62-762.201(63); Page 8. Consistent with previous comments, day tanks should not be included within the definition of "storage tank system" and the FCG and FPL do not believe such systems warrant regulation.
18. Rule 62-762.201(); Page 9. The current term "vehicular fuel" and its corresponding definition should be retained as it is still used elsewhere in this rule chapter. Furthermore, the term is used in the term "dispenser" as discussed in a prior comment.

19. Rule 62-762.211; Pages 9-11. The FCG and FPL believe that it would be helpful to include in this rule section a listing of the FDEP orders granting alternate procedure requests from dike field impervious secondary containment requirements for field-erected ASTs. Having such orders listed in the rule would assist County program inspectors in understanding the regulatory status of these AST systems.
20. Rule 62-762.301(1)(a); Page 12. The FCG and FPL do not understand the intent behind the agency's proposed deletion of language in the applicability section that outlines the types of regulated substances or pollutants and dates after which storage tanks that contained or contain such materials were subject to regulation. These provisions should be retained.
21. Rule 62-762.301(1)(b); Page 12. The inclusion of detailed information regarding the source and address for obtaining federal rule language is confusing. A simple reference to 40 CFR Part 302 should suffice. Similar verbiage is included elsewhere in the rule chapter when federal code language is referenced. Consistent with this comment, citation to the federal code provision should be sufficient in those instances as well.
22. Rule 62-762.301(2)(f) & (g); Page 12. As discussed at the rule development workshop, the FCG and FPL believe that the two current exemptions for tanks containing asphalt or asphalt products which do not contain other pollutants and storage tank systems storing pollutants that are solid or gaseous at standard temperatures and pressures should be retained in this section of the rule.
23. Rule 62-762.301(2)(o); Pages 12-13. The FCG and FPL suggest adding the words "and lubricating oil" after the term "dielectric fluid" to further clarify electrical equipment systems exempt from the rule chapter.
24. Rule 62-762.401(1)(b); Page 13. The FCG and FPL suggest that the submittal of the initial storage tank registration form continue to be required no later than 30 days after regulated substances are first placed in the storage tank. The FCG and FPL are concerned that accurate registration information may not be available prior to adding regulated substances into the tank. Additionally, the FCG and FPL could not identify statutory language in Chapter 376, F.S. that requires this agency proposed change.
25. Rule 62-762.401(3)(c); Page 14. As discussed during the rule workshop, the FCG and FPL believe that a submittal of an updated registration form should only be required where there has been a permanent change from a pollutant to a nonpollutant.

26. Rule 62-762.401(4)(d); Page 14. The FCG and FPL suggest that this fee provision be clarified to be made applicable to bulk product facilities only as currently provided in the existing rule.
27. Rule 62-762.411; Pages 15-16. As a general comment, the FCG and FPL believe that the various notification requirements may be more easily understood if the requirements were organized in a table format.
28. Rule 62-762.411(1)(b); Page 15. As discussed during the rule development workshop, FDEP is requiring notification be made to the County for installation of a storage tank system "or system component". Consistent with previous comment, the FCG and FPL believe that FDEP should delete the term "system component" as the term "system components" is already included in the definition of "storage tank system".
29. Rule 62-762.411(3); Page 15. The FCG and FPL believe that the term "internal inspections" needs to be further clarified as it is overly broad and may include activities that should not require notice to the County.
30. Rule 62-762.411(4) & (5); Page 16. In both of these subsections, the FCG and FPL suggest that for incident and discharge release reporting that the time periods respectively referenced should be modified to allow for submittal of notification before the close of the County's next business day should such time periods end on a weekend or holiday.
31. Rule 62-762.421(3); Page 16. Consistent with a prior comment, the FCG and FPL question why it is necessary to include the details of the government printing office and relevant addresses for the federal code reference. Also, as currently drafted, the rule language is somewhat confusing and the FCG and FPL suggest that the phrase "with the following exceptions:" be replaced with the phrase "except that:". Finally, the FCG and FPL would like to confirm long standing interpretation and practice by the agency regarding AST financial responsibility. Specifically, like the federal UST financial responsibility rule requirements, when determining the appropriate amount of financial responsibility for a facility, the identified financial responsibility levels are for the cumulative storage capacities for storage tanks at a facility. The FCG and FPL would like to discuss this point further with Department representatives.
32. Rule 62-762.431; Pages 16-17. Many FCG members and FPL have had difficulty in having incidents which do not result in a discharge to the environment resolved in a complete and timely fashion. For this reason, in retrospect, the FCG and FPL believe that reporting need only occur when there has been a discharge or release into the

environment. Moreover, in Rule 62-762.431(2), F.A.C., incident notification requirements have been modified to require notification for "signs of corrosion". As discussed at some length at the rule workshop, this draft rule language defines that the presence of any corrosion is a positive response of a release detection device and must be reported. While corrosion is undesirable, it is by no means an indication that a release has occurred. The FCG and FPL suggest that this language be modified to reflect that only significant corrosion that could lead to structural damage, leakage or other similar problems in the immediate future requires incident notification. Application of existing rule language addressing perforations, corrosion holes, etc. does not appear to be causing regulatory confusion or issues. The existing rule language should be retained.

Also in this rule section, the FCG and FPL believe that the requirement to provide incident notification for a visual inspection that indicates the presence of water and/or pollutants in the interstice is much too broad. It is common to have minimal amounts of water in interstitial space of double-walled tanks due to simple condensation. The FCG and FPL believe that a minimum quantity or volume of water should be added to the rule language that would trigger notification.

The FCG and FPL also question why FDEP has eliminated existing rule language that only those losses of pollutants over 500 gallons inside impervious secondary containment requires incident notification. Similarly, loss of a pollutant from a storage tank system exceeding 25 gallons on impervious surfaces other than secondary containment would now require incident notification. The current rule provides for a 100 gallon threshold in this regard. The FCG and FPL propose that both of the current provisions be retained in the rule chapter. Finally, where appropriate in this rule section, the phrase "or within the close of the County's next business day" should be inserted after relevant time periods should those time periods fall upon a weekend or holiday.

33. Rule 62-762.441; Page 18. The FCG and FPL request that the 25 gallon de minimis threshold for petroleum be inserted in paragraph (1)(d). Also, subsection (3) should be modified to allow for 7 to 10 days for submittal of laboratory analytical results confirming a discharge. Finally, the FCG and FPL believe that the discharge reporting time frame should be increased from 24 to 48 hours to allow time for proper documentation to reach appropriate personnel in charge of such notifications.

34. Rule 62-762.501(1)(b)2. & 3a.; Page 19. The FCG and FPL recommend adding statements in these identified rule sections to remind the regulated community to refer to those coatings and liners that appear on FDEP's registration/equipment approval list.

35. Rule 62-762.501(1)(b)7.; Page 19. The FCG and FPL suggest that the word "closed" be inserted before the term "double-bottomed". FCG members and FPL have open, double-bottomed storage tank systems which cannot physically be subjected to interstitial integrity testing.
36. Rule 62-762.501(1)(b)9.; Page 19. As discussed during the rule workshop, FDEP's draft rule language could be interpreted to require double-walled spill buckets. This rule language should be modified to reflect that interstitial integrity tests are only required to be performed in those cases where double-walled spill buckets are used by an owner/operator.
37. Rule 62-762.501(1)(d); Page 20. FCG and FPL request further clarification from FDEP on how an owner/operator documents compatibility for existing systems.
38. Rule 62-762.501(1)(h); Page 20. This proposed section provides that whenever storage tank systems are installed, modified, or relocated, "as built" drawings shall be completed and signed and sealed by a registered Florida professional engineer and maintained at the facility. The FCG and FPL are concerned that under this draft language even minor or insignificant changes would require "as built" drawings. As well, it may be difficult to develop such "as built" drawings for shop-fabricated tanks. This suggested rule change should be deleted.
39. Rule 62-762.501(2)(b)2.; Page 20. The FCG and FPL would like to know whether it is necessary for tanks constructed in accordance with UL 142 or API 650 to also get an alternative approval request approved by the agency? As currently drafted, the language is confusing.
40. Rule 62-762.501(2)(d)2.; Page 21. The FCG and FPL maintain that secondary containment requirements for storage tanks containing motor oil or lubricating oil should only apply prospectively and not to existing systems. Retroactive application of secondary containment and other requirements for these types of systems, including integral piping, appear in other sections of the rule draft and those sections should be modified accordingly to apply to only those systems containing motor oil and lubricating oil installed after the effective date of these rule amendments.
41. Rule 62-762.501(2)(f); Page 22. Consistent with a prior comment, the FCG and FPL believe that the term "spill containment system" should be modified to "fill containment system" where the former term is used in this section of the rule.

42. Rule 62-762.501(3)(b)3.; Pages 22-23. The FCG and FPL request confirmation that cathodic protection is not required for doubled-bottom field-erected ASTs that have a liner and concrete in the interstitial space. This is consistent with agency interpretation of current rule requirements and the FCG and FPL want to confirm that the agency's draft rule amendments do not change this interpretation.

43. Rule 62-762.501(3)(c)4., 6., and 8.; Pages 23-24. Instead of installing secondary containment in the entire dike field area in accordance with Rule 62-761.501(3)(c)4., F.A.C., the FDEP is proposing that an alternative dike field secondary containment system approved in accordance with Rule 62-762.851(2), F.A.C., may be used. Alternative dike field secondary containment systems would not be allowed in public wellfield protection areas. The alternative dike field secondary containment system must provide:

- Continuous tank shell monitoring with approved probes, cables, or electronic sensors;
- Immediate electronic notification to the owner or operator of overfills and leaks from the tank shell;
- Stormwater management;
- A high and a high-high level overfill alarm system with an annual test of operability;
- An impervious overfill retention system that will contain a volume of product that would be transferred at maximum flow rate for a period of five minutes by the pump used for filling the tank;
- A automatic flow shut-off system for the tank; and
- Secondary containment must be installed around or beneath pumps, valves, and piping connections within the dike field or secondary containment area.

Consistent with previous FCG and FPL comment, the FCG and FPL believe that this alternative may be appropriate for new field-erected aboveground storage tank systems. The FCG and FPL maintain that these or any other secondary containment requirements should not be imposed at those facilities where alternate procedure requests for dike field secondary containment for field-erected aboveground storage tanks have already been granted by FDEP. To date, these procedures have proven to be effective and protective of the environment.

44. Rule 62-762.501(3)(c)9.; Page 24. The FCG and FPL believe that the draft requirement that the outer wall of the storage tank system be designed to prevent any discharges from overfills and releases from the primary tank and must contain a volume of product that would be transferred at maximum flow rate for a period of 30 minutes should be eliminated. The FCG and FPL would like to understand the

regulatory basis for this suggested requirement. It would be difficult to retrofit existing field-erected double-walled storage tank systems to meet this requirement. These tank systems are typically constructed at sites that have space limitations.

45. Rule 62-762.501(4)(d); Page 25. Draft rule language regarding the need to add certain types of valves for storage tank systems and integral piping that produce a gravity head on the dispenser or on small diameter piping needs to be revised to recognize the use of such valves in industrial and other applications. Significant agency consideration should be given to whether such valves should be used in situations where such tank systems provide fuel to emergency generators for hospitals, power plants, and other important infrastructure, and related services. FCG members and FPL have had experiences where emergency generators have not functioned due to an open valve. Similar issues might arise with installation of these types of valves. Finally, FCG member and FPL systems are located in areas where the likelihood of any pipe breaks from impacts from vehicles or other industrial equipment is extremely low.

46. Rule 62-762.601(1)(b); Page 26. The FCG and FPL suggest that the phrase "within 90 days of the effective date of this rule" be inserted after the phrase "or close the system". This is consistent with the timeframes referenced in Rule 62-762.801(2).

47. Rule 62-762.601(1)(e); Page 27. Consistent with its previous comment, the FCG and FPL believe that the presence of corrosion, in and of itself, should not constitute a positive response of a release detection device requiring incident notification. This language should be modified to reflect that only significant corrosion that could lead to leakage or release constitutes a positive response of a release detection device. Also, consistent with previous comment, the phrase "Every component of" should be deleted as storage tank components are already included in the definition of "storage tank system".

48. Rule 62-762.601(1)(j); Page 27. As provided in a prior comment, application of secondary containment, release detection, and other requirements for storage tank systems containing motor oil or lubricating oil, should only apply prospectively for systems installed after the effective date of these rule amendments.

49. Rule 62-762.601(2)(a)7.; Page 28. Consistent with a previous comment, the FCG and FPL believe that this rule language should be modified to reflect that a minimum volume of water (over an inch) should constitute a positive response. Small amounts of condensation are usually found in interstitial spaces particularly during warmer months and should not require incident notification.

50. Rule 62-762.701(1)(a)3.; Page 31. Consistent with prior comments, the FCG and FPL suggest that a minimum of one inch of water in the interstice of a storage tank or integral piping be the trigger for the need to further evaluate whether a storage tank system or component needs to be repaired. It is not uncommon in Florida for condensation to result in the presence of some water in the interstice of a storage tank or integral piping.
51. Rule 62-762.701(3)(a); Page 32. The FCG and FPL echo comments made by regulated interests at the rule workshop regarding how the proposed required integrity testing and schedule may not always be technically or physically possible or practicable. An example would be integrity testing for an open, double-bottom AST system. FDEP should further evaluate a procedure for AST owners/operators to demonstrate such impossibility or impracticability to conduct the proposed integrity testing.
52. Rule 62-762.701(2)(d)1; Page 32. The FCG and FPL suggest that the 30 day time period within which to repair a cathodic protection system is unrealistic. A time period of up to 6 months but not less than 3 months after discovery should be sufficient to make needed repairs.
53. Rule 62-762.701(3)(b)1; Page 33. As provided in other comments, the FCG and FPL believe that FDEP's suggested language regarding water in excess of one inch in depth be carried over into other sections of the rule which require regulatory action or investigation upon discovery of "water" in interstitial spaces of storage tanks and integral piping.
54. Rule 62-762.711(1); Page 34. The FCG and FPL suggest that the phrase "receipt of" be inserted before the phrase "the Department's request". This provides further clarity and underscores agency intent.
55. Rule 62-762.711(4); Page 34. As suggested during the rule development workshop, the FCG and FPL do not believe it is necessary to retain all historical financial responsibility records until storage tank system closure. Financial responsibility is required to be updated on an annual basis and the FCG and FPL believe that only the most recent 3 years of financial assurance information should be required to be kept at the facility.
56. Rule 62-762.801(1)(a)3.; Page 35. The FCG and FPL believe that it is unnecessary for interstice monitoring or liquid level monitoring to occur while a tank is out of service. Out of service storage tanks are required to remove all product prior to being

placed out of service. Empty storage tank systems pose little threat to the environment and therefore should not be required to conduct any monitoring.

57. Rule 62-762.801(1)(a)4.; Page 35. The FCG and FPL suggest that the phrase "inspected in accordance with one of the following prior to being returned to service;" be inserted at the end of the lead-in paragraph before the specific listing of evaluation and testing methods.

58. Rule 62-762.801(2)(a)2.; Page 36. As discussed during the rule workshop, the draft language requiring that a storage tank system that fails to meet the requirements of Rule 62-762.501, F.A.C. must be closed is overly broad and could be misinterpreted by County program inspectors.

59. Rule 62-762.801(3); Pages 36-37. The FCG and FPL are opposed to FDEP's proposed elimination of certain exceptions that have existed historically from having to conduct closure evaluations and submit closure reports. As stated by FDEP staff at the workshop, it is our understanding that these issues will be more fully discussed in a separate rule development workshop to be conducted concerning FDEP's proposed closure evaluation and report requirements.

60. Rule 62-762.851(1)(c); Page 38. The FCG and FPL believe that including timelines for Department response to an alternate procedure request should be retained in the rule and not deleted as proposed. This timeframe for FDEP response helps project managers with planning and scheduling.

61. Rule 62-762.891(5)(a)(3); Page 41. Consistent with a previous comment, the FCG and FPL believe that notification of the discovery of discharge should be made within 48 hours. As well, the phrase "or before the close of the next business day" should be inserted after the reporting time period to account for weekends and holidays.

62. Rule 62-762.891(6)(a)1.; Page 42. The phrase "mineral acid tanks" should be inserted after the word "existing" as it appears to be missing in the Department's draft rule language.

63. Rule 62-762.891(6)(a)2.; Page 42. The FCG and FPL suggest that the phrase "be double-walled or" be inserted after the word "shall" as double-walled mineral acid tanks are becoming much more common.

64. Rule 62-762.891(6)(b)2. and (c)2. The FCG and FPL recommend that it be clarified that if a new mineral acid tank is added to the containment area only then will secondary containment and a containment and integrity plan need to be recertified.

Specific Comments – Chapter 62-761, F.A.C.

To the extent the FCG comments and suggestions to Chapter 62-762, F.A.C., agency draft rule amendments are applicable to agency draft rule amendments to Chapter 62-761, F.A.C., the FCG would reiterate those comments and suggestions and request that they be incorporated into the agency's next draft of proposed rule changes to Chapter 62-761, F.A.C.

1. Rule 62-761.600(1)(b) & (i); Page 18-19. As the Department may be aware, EPA is considering eliminating the release detection deferment for emergency generator tanks. Once EPA's rules are finalized, the FCG and FPL request that existing systems for emergency power generators be provided one year from the legal effective date of EPA rule amendments to provide appropriate release detection methods.

The FCG and FPL very much appreciate the consideration that FDEP gives its comments and comments of the regulated community. After you have reviewed these comments, should you have any questions, please do not hesitate to contact me at (850) 425-2254.

Sincerely,

Hopping Green & Sams

By:



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and

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January 31, 2014
Page 15 of 15

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January 31, 2014

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RE: Chapters 62-761, F.A.C., 62-762, F.A.C. November 18, 2013 Proposed Rule Amendments

Dear Mr. Burns,

The Florida Petroleum Council (FPC), a division of the American Petroleum Institute which represents over 580 members in the oil and natural gas industry and many of the companies operating Florida petroleum terminals using storage tanks, appreciates the opportunity to comment on the Florida Department of Environmental Protection ("Department") proposed amendments to rule 62-762, Florida Administrative Code, as published in the November 18, 2013 Florida Administrative Register and discussed in the December 17, 2013 workshop. The FPC supports the stated goals of the Department to restructure 62-762, F.A.C., to update standards and clarify issues that have raised questions in the past.

During the December 17 workshop, the Department advised a willingness to employ one or more additional workshops to work through the complexities introduced through the restructuring; the FPC strongly recommends using several additional workshops to address individual sections of the draft rule. The FPC has presented a general overview of the proposed rule, followed by specific comments and recommendations, and, finally, concluding remarks.

General Overview

The FPC strongly recommends that the newly restructured rule be based on the current version of 62-762, F.A.C. rather than attempting to incorporate proposed drafts from workshops dating back to 2009 and prior. The previous 62-762 drafts were controversial when previously considered, and many of those controversial issues have been incorporated into this draft. For example, 62-762.501(3)(c)4., F.A.C., requiring secondary containment for field-erected AST's within 10 years will impose extraordinary costs without benefits; in fact, the unintended consequences, such as storm water disposal issues, may lead to antagonistic environmental impacts.



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A historical review of leaks, spills, and overfills in Florida indicates a dramatic downward trend since the last adoption of the rule in 2004 – an indication that the current rule is effective. The success is directly tied to our companies' investments in "prevention" which the current rule emphasizes. Using best management practices, industry employees have identified actual and potential sources of petroleum product releases and, through employee training, revised standard operating procedures, and introduction of engineering controls, each company has been able to design solutions appropriate for each of the unique challenges represented in each of our terminals. The record clearly indicates the current rule has been successful and should be used as the foundation for this draft.

Successful management practices and technology implementation are subsequently communicated and improved upon at various industry conferences, literature, and professional associations among other forums. The essence of these management practices is ultimately compiled into industry standards and guidance documents, such as API standards, following a rigorous consensus process that includes all stakeholders. We recommend heavy reliance on adopting these standards and guidelines as a foundation for the rulemaking rather than requiring expensive, prescriptive engineering controls and additional administrative reporting that will not provide enhanced environmental safety. Again, the current rule and the investment industry has placed on "prevention" have an excellent record.

In addition, the FPC recommends restructuring the rule into three parts (field erected tanks, shop fabricated tanks, and mineral acid tanks) which would further clarify the intent and implementation of the rule. Each of the tanks is distinct and, therefore, should be addressed individually. Separating the rule into three sections will remove some ambiguity that is currently in the rule.

The following specific comments are not comprehensive since some of the new language combined with the restructuring raises questions about the Department's intent. We raise the comments and recommendations more as an indication that additional work must be done.

Specific Comments and Recommendations

1. 62-762, F.A.C., actually covers three different types of AST's: field erected, shop fabricated, and mineral acid tanks. The combination of the three tanks in one rule makes it difficult to ascertain what stipulation applies to which type of tank. **Therefore, the FPC recommends creating a three part rule with each of the parts addressing one of the tank types.** In that manner, specific definitions, standards, and operational requirements can be narrowed to the distinct type of tank.
2. 62-762.201 Definitions:

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- a. (3) "Biofuel" (page 2). The FPC recommends expanding examples provided in the biofuel definition to include animal fats. There are viable processes for converting animal fats, including renewable resources such as chicken and beef, into biodiesel products.
 - b. (8) "Closure report" (page 2). The FPC recommends eliminate references to repairs performed in a closure report to keep closure and repairs as separate actions.
 - c. (12) "Day tank" (page 3). The FPC is not aware of the need to extend the AST storage tank systems to include day tanks. The FPC would like to learn more about FDEP information leading to inclusion of these tanks.
 - d. (22) "High Viscosity" (page 4). The FPC recommends inclusion of asphalt in the definition to further clarify exemptions that the FPC recommends in later sections of the rule. The FPC does not understand the need to exempt new motor oil and lubricating oil from this definition.
 - e. (26) "Impervious" (page 4). It is unclear whether this definition of impervious will apply retroactively particularly as it pertains to concrete and coating systems.
 - f. (29) "Industrial occupancy building" (page 4.) The FPC recommends that current industrial occupancy buildings be grandfathered to current regulations and buildings built prior to July 1, 1998 be completely exempted.
 - g. (31) "In-service" (page 5). The FPC recommends the definition should retain sufficient latitude to allow temporary out-of-service status for routine maintenance, product turnover, etc. without having to report the status to the FDEP within this definition. Alternately, the creation of a "temporary out-of-service" definition with allowable routine activities and a definite time frame with subsequent exemption from reporting would serve the same purpose.
 - h. (32) "Integral piping" (page 5). The amendments have UST system component references in the definition.
 - i. (40) "New" – The FPC is concerned that this definition will introduce more regulations, perhaps unintended, particularly with the phrase "systems components" included. The FPC recommends reviewing the applicable sections to determine whether another approach or a narrower definition is advantageous.
 - j. (58) Secondary containment (page 8). The API 650 release prevention barrier has been eliminated from the definition for secondary containment. The FPC would like to learn the Department reasoning for this strikethrough and if it applies retroactively.
3. 62-762.211 Reference Requirements
- a. The FPC recommends including references to alternative procedures addressing Department accepted alternatives to dike field impervious secondary containment in the reference requirements. The alternative procedures have successfully served in the same capacity as standards; inclusion in this section will clarify the status.

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- b. (j)1. And (j)3 (page 11). It appears these sections have references to requirements for UST and may not be applicable in this rule.
- 4. 62-762.301 Applicability
 - a. (1)(a) General Requirements (page 12) – The FPC is uncertain what the implications of removing the various listed tanks and their specified dates will be; in particular, is the Department expanding AST's that will be inspected and what AST's will that include? The FPC would like to learn the Department's intent.
 - b. (2)(f) and (g) – The FPC recommends retaining the asphalt exemption in the applicability section. The FPC does not feel asphalt represents the same environmental risks as other "pollutants"; note that asphalt is eventually "spilled" from trucks to make asphalt roads.
- 5. 62-762.401 Registration
 - a. (1)(a) (page 13). The term system component could be interpreted rather broadly without a definition. The FPC recommends either a very specific definition or elimination of the term throughout this rule. The FPC recommends the latter.
 - b. (1)(b) (page 13). The FPC is unclear about the need to change registration from 30 days to 10 days. The FPC is interested in learning more about the need for this change.
- 6. 62-762.411 Notification
 - a. (1)(b) See comment under 5a above regarding system components.
 - b. (2) The FPC recommends a notification exemption for when a temporary out-of-service status (see definitions) is met or when minor repairs that do not affect the integrity of the tank systems are undertaken.
 - c. (3) The FPC feels the term "internal inspections" is subject to broad interpretation. The FPC recommends either a very specific definition or further specifications in this section. For example, the FPC recommends that notification is not required for API 653 and API 570 inspections where the tank or piping remains in service or will not be empty.
 - d. (4) and (5) (page 16) – The FPC recommends inclusion of provisions for holiday and weekend reporting when County offices are typically closed.
 - e. (4) and (5) (page 16) - Ultimately, the FPC recommends that notifications should be restricted to actual discharges or releases to the environment.
- 7. 62-762.431 Incidents
 - a. The FPC asserts that many of the broad provisions in this section for an incident can lead to inconsistent inspections and unnecessary reporting. For example, inclusion of "surface corrosion" as an incident raises the question of what is normal, acceptable corrosion and what actually poses a threat. There are no guidelines in this section. Numerous other examples can be cited throughout the section – the FPC has highlighted a few below. The use of the word

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A Division of API

“may” in the incident definition further exacerbates the potential for broad interpretation. As noted in 6f above, the FPC recommends notifications be restricted to discharges or releases to the environment. The FPC recognizes the Department has certain goals it wishes to achieve through these two sections. Therefore, the FPC is willing to participate in future discussions to work through these technical issues with other stakeholders. This will prove to be a more efficient process.

- b. (1)(a)1. (page 17) – The FPC strongly recommends more clarification of when surface corrosion will be cited as an incident. Surface corrosion, which is often common and acceptable, usually does not pose a threat for discharges or releases. Clarification should be offered for unacceptable corrosion and what component surfaces are inclusive in the rule.
 - c. (1)(a)3. and 6.(page 17) – The FPC recommends inclusion of de minimis levels of condensate to accommodate Florida’s normally humid environment.
 - d. (1)(a)5. (page 17) – The FPC would like to discuss further the 10% pressure threshold to ascertain if environmental changes may cause exceedance of the threshold without affecting the reliability of the tank system.
 - e. (1)(a)7., 8., 9., and 10. (page 17) – These subsections may have references to UST standards that can be removed.
 - f. (1)(e) (page 17) – The FPC would like to discuss with the FDEP release quantities, dike fields, and impervious surfaces. Previous trigger levels were 500 gallons – is there cause for the reduction to 25 gallons?
8. 762.441 Discharges
- a. (1)(d) (page 18). The FPC recommends a trigger level, for example 25 gallons, for discharge to a pervious surface.
 - b. The FPC recommends additional discussion on reporting time frames.
9. 62-762.501 Storage Tank Systems Requirements
- a. The FPC recommends a section should be included that recognizes the existence and continued acceptance of model alternative procedures. The model AP’s have been instrumental in economically meeting environmental concerns and should not be abandoned or limited. The FPC would like to discuss this issue further.
 - b. The FPC believes there may be numerous references to UST standards and equipment throughout this section that are not applicable to AST. The FPC will work with the FDEP to remove the references.
 - c. (1)(h) (page 20). The record drawings provision, derived from the UST rule, appears to be unnecessary since AST’s are essentially aboveground operations. Further, some companies

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store this type of document at corporate headquarters. The FPC would like to further discuss the intent of this provision.

- d. (2)(b)2. (page 20) – The FPC is uncertain whether API 650 tanks are qualified for an alternative approval request – is that the case?
- e. (2)(d) (page 21) – The FPC recommends clarification is needed to exempt pipes extending over surface waters that fall under U.S. Coast Guard regulations.
- f. (2)(d)2. (page 21) – The FPC strongly recommends that a grandfather clause be installed for existing systems.
- g. (3)(c)4., 6., and 8. (page 23) – The FPC strongly recommends recognition of existing alternative procedure requests for dike field secondary containment for the field erected AST's that have been granted. As noted in early comments, model alternative procedures have been cost-effective strategies for addressing environmental concerns at many of our bulk product terminals – particularly the coastal bulk terminals.
- h. (3)(c)9. (page 24) – The FPC would like to discuss this proposal further to evaluate pertinent data related to overfills and releases necessitating this proposal and to see if alternative, cost-effective solutions can be recommended.

10. 62-762.601 Release Detection Requirements

- a. (1)(e) (page 27) – As stated in earlier sections, the FPC believes more clarification is necessary to ensure surface corrosion that is common and acceptable is not cited as an incident.
- b. (1)(j) (page 27) – The FPC recommends a grandfather clause for existing AST systems unless data is available indicating current systems have not been satisfactory.
- c. (2)(a)4. and 7. (page 28) – As noted in previous sections, the FPC recommends language should be added to exempt de minimis amounts of condensate to account for Florida's humid environment.
- d. (2)(a)8. (page 28) – The FPC would like to discuss the intent of this provision to better ascertain its necessity.

11. 62-762.701 Repairs, Operation and Maintenance

- a. (1)(a)3. (page 31) – The FPC recommends language should be added to exempt de minimis amounts of condensate in the interstice to account for Florida's humid environment.
- b. (3)(a)1., 2., 3. (Page 32) – The FPC is not certain the intent or the reasoning for the integrity testing chosen as it may not be applicable in all situations. The FPC recommends more discussion.
- c. (2)(d)1. (page 32) – The FPC is concerned the time to complete repairs is too short. The FPC recommends additional discussions.

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A Division of API

- d. (3)(b)1. (page 33) – The FPC recommends language should be added to exempt de minimis amounts of condensate in the interstice to account for Florida’s humid environment.
- 12. 62-762.711 Recordkeeping
 - a. (1) (page 34) – The FPC is uncertain whether the clock starts when the Department makes the request or upon receipt of the request.
 - b. (4) (page 34) – The FPC recommends records stored for 3 years is standard practice for these issues – is there an advantage for five years?
- 13. 62-762.801 Out-of-Service and Closure Requirements
 - a. (1)(a)3. (page 35) – The FPC recommends that interstice monitoring or liquid level monitoring is unnecessary since, by definition, out-of-service tanks have had product removed and pose little threat to the environment.
 - b. (1)(a)4. (page 35) – The current wording of this section implies all tests must be completed despite the applicability of the test; for example, integral piping tests would not be appropriate testing tanks. The FPC recommends including language for testing that is “appropriate” for the tank/pipe.
 - c. (2)(a)2. (page 36) – The FPC feels the phrasing is overly broad and open to misinterpretation by individual inspectors.
 - d. (3) (page 36) – The FPC recommends including the exceptions from having to conduct closure evaluations and submit closure reports that the Department has proposed striking. The FPC feels more discussions are necessary to reach an appropriate balance.
- 14. 62-762.851 Alternative Procedures
 - a. (1)(c) (Page 38) – The FPC recommends retention of response timelines for Department action to alternative procedure requests. The timelines add predictability and costs associated with project planning.

Concluding Remarks

The FPC recognizes the Department has invested a lot of work in this rule. However, the Department has introduced additional complexity to the rule by amending the substance while restructuring the sections – more questions have been raised than resolved. As we move forward on evaluation of this rule, the FPC recommends the following:

1. Give strong consideration to breaking the rule into three parts that address each distinct type of AST: field erected tanks, shop fabricated tanks, and mineral acid tanks.
2. Give strong consideration to initially basing the proposed amended rule on the current rule. If the Department has specific issues that the current rule does not adequately address, provide data and/or



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information so that industry can participate in finding a solution that is beneficial for Floridians and workable for our companies.

3. Before scheduling additional workshops, assemble technical working groups with appropriate stakeholders to address specific issues within the rule. A small working group of Department personnel, county representatives and industry representatives can resolve the more technical and complex issues faster than attending broad topic workshops and submitting comments afterwards. This format has been used effectively by the Department on other rule development processes; it has proven efficient and successful.

Again, I appreciate the opportunity to comment and look forward to continued participation in the rule development process. Please note, the FPC requests these comments and recommendations also be applied to 62-761, F.A.C., the UST rule, where the comments and recommendations are applicable.

Regards,

A handwritten signature in black ink, appearing to read "ERH", written over a light grey circular stamp.

Eric R. Hamilton
Associate Director
Florida Petroleum Council



February 6, 2014
DELIVERY BY ELECTRONIC MAIL

Mr. William. Burns, Jr.
Bill.Burns@dep.state.fl.us
Bureau Chief
Bureau of Petroleum Storage Systems
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Chapter 62-761, F.A.C.
December 17, 2013 Rule Development Workshop

Dear Mr. Burns:

We are pleased to represent the Florida Petroleum Marketers and Convenience Store Association ("FPMA"), whose marketer members own and operate several thousand petroleum facilities throughout the state. The following comments are intended to supplement those that we provided at the Rule Development Workshop.

62-761.200 Definitions.

(25) "integral piping" – vapor recovery lines are excluded from the definition of "integral piping." Does the Department mean to say that a release of petroleum via the vapor recovery line is not a regulated discharge? If the discharge is regulated, the Department needs to make sure that excluding vapor recovery lines from regulation does not have the unintended consequence of affecting the availability of financial assurance for corrective action if the vapor line contributes to a release.

(46) "Residential storage tank system" – the term "residential" in Chapter 376 implies a residential land use, not the use of a particular building at property with a residential use. Accordingly, we believe the language "building that is used exclusively as a dwelling unit" creates an overly restrictive exemption that will result in many new

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(heretofore unregulated) regulated storage systems at what the Legislature contemplated to be “residences.”

(53) “Valid Registration” – The person who distributes product to a facility and is subject to the delivery prohibition cannot determine whether “all applicable registration requirements...have been met.” The person who delivers can only determine whether the facility has a placard in effect. No placard means no delivery. Placard means delivery.

62-761.300 Applicability.

(2) Exemptions.

(j) Agricultural tanks. Limiting the definition to “agricultural purposes” creates ambiguity. If the land use of the property is agricultural, that ought to be sufficient. Perhaps providing for no re-sale accomplishes the Department’s objective.

62-761.420 Financial Responsibility.

(2) The financial responsibility requirement applies to the owner or operator of the storage tank, not the facility. 42 USC 6991(3) and (4).

We appreciate the fact that the Department recognizes the provisions of 40 CFR 280.113, which requires that financial responsibility remain in place until a storage tank is properly closed or corrective action is complete. However, the Department should address the lack of availability of insurance for out of service systems, particularly since properly out of service systems present minimal risk.

FPMA will be proposing language under separate cover to address recent court decisions concerning non-Florida venue provisions in storage tank insurance policies. FPMA believes that Florida is the appropriate venue and that Florida law must be applied in actions regarding coverage under these policies. DEP cannot rely on the courts of other states to ensure that there are adequate financial resources available to protect the state’s soils and groundwater and to compensate third parties for damages. While the Department may not have authority to review and approve policy provisions, the Department does have the authority (which it already exercises in the rule) to determine the scope and substance of coverage which an owner or operator of a storage tank system must provide.

As an aside, the Department should seek authority from the Legislature to address insurance policy provisions that do not comply with state and federal financial responsibility requirements.

62-761.430 Incidents.

(1)(d) – There appears to be language missing here. We agree that odor in a confined space may be an “incident.” However, odor generally has never been a valid indication of an incident.

62-761.440 Discharges.

(1)(c) – Regulated substance visually observed may still be di minimis, and not a “discharge.” There needs to be a di minimis exclusion here.

(1)(d) – Same comment with respect to di minimis discharges.

62-761.500 Storage Tank System Requirements.

(b)7. – Please clarify that double-walled spill buckets are not a rule requirement.

62-761.600 Release Detection Requirements.

The requirement to maintain all release detection records for five years is unduly burdensome. Once a site is inspected and no problem is identified, the records are of limited value. There needs to be some additional consideration here of what appropriate record retention requirements should be. *See also* 62-761.710 (2).

62-761.700 Repairs, Operation and Maintenance.

A number of issues raised in the workshop seem to be suited for more specialized, concentrated attention. The requirements for breach of integrity testing may be one of those issues.

62-761.800 Out-of-Service and Closure Requirements.

(1)(a)3. – Assuming that the interstice may be readily monitored if a system is out of service, the presence of water in the interstice may be indicative of an issue with the

Mr. William. Burns, Jr.
February 6, 2014
Page 4

tank that could be addressed, but may not be evidence of a “discharge” since the tank is presumably empty. There may need to be some more careful consideration of the incident/discharge reporting process in this regard.

(1)(a)1.a. and b. – The Department ought to make this requirement consistent with the federal rule. Storage tanks that are corrosion-resistant under the federal rule do not have a time limit on out-of-service status.

(3) Closure Report - FPMA opposes the elimination of the exemption for Closure Reports as currently applicable to sites eligible for state restoration funding assistance. The idea of interstitial monitoring was to be able to readily identify a release. If interstitial monitoring does not indicate a release at a site with existing contamination, the presumption should be that no new release has occurred. The theory behind spending billions of dollars on secondary containment and interstitial monitoring was to be able to identify releases.

We appreciate the Department’s efforts in rulemaking and look forward to working with staff as we proceed with subsequent workshops and perhaps smaller working groups as we have suggested. Please contact me if you have any questions or need additional information.

Sincerely,



Robert D. Fingar

cc: Mr. Ned Bowman, FPMA (via email)
Mr. Randy Miller, FRF (via email)



**CHAPTER 62-761
UNDERGROUND STORAGE TANK SYSTEMS**

62-761.100	Intent
62-761.200	Definitions
62-761.210	Reference <u>Requirements Standards</u>
62-761.300	Applicability
62-761.350	<u>Operator Training and Certification</u> (Reserved for Rulemaking)
62-761.400	<u>Registration and Financial Responsibility</u>
62-761.405	<u>Notification</u>
62-761.420	<u>Financial Responsibility</u>
62-761.430	<u>Incidents</u>
62-761.440	<u>Discharges</u>
62-761.450	<u>Notification and Reporting</u> (Repealed)
62-761.500	<u>Storage Tank System Requirements Performance Standards for Category C Storage Tank Systems</u>
62-761.510	<u>Performance Standards for Category A and Category B Storage Tank Systems</u> (Repealed)
62-761.600	<u>Release Detection Requirements Standards</u>
62-761.610	<u>Release Detection Methods</u> (Repealed)
62-761.640	<u>Performance Standards for Release Detection Methods</u> (Repealed)
62-761.700	<u>Repairs, Operation and Maintenance of Storage Tank Systems</u>
62-761.710	Recordkeeping
62-761.800	Out-of-Service and Closure Requirements
62-761.820	<u>Incident and Discharge Response</u> (Repealed)
62-761.850	<u>Alternative Procedures Requirements and Equipment Registration Approvals</u>
62-761.900	Storage Tank Forms

62-761.100 Intent.

(1) The purpose of this Chapter is to provide requirements standards for the registration, construction, installation, operation, maintenance, repair, closure, and disposal of underground storage tank systems that store regulated substances, in order and to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for underground storage tank systems having individual storage tank capacities greater than 110 gallons.

(2) No change.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-761.100, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.200 Definitions.

All words and phrases defined in Sections 376.301 and 376.79, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Sections 376.301 and 376.79, F.S., for definitions of the following terms: "Contaminant (contamination shall mean the same as contaminant)," "Contaminated" ~~Contaminated~~ site," "Department," "Discharge," "Facility," "Hazardous substances," "Operator," "Owner," and "Pollutants." The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings: ~~The following words, phrases or terms used in this chapter, unless the context indicates otherwise, shall have the following meaning:~~

(Typo)

(1) No change

(2) "Biofuel" means fuel produced from renewable resources, especially plant biomass, vegetable oils, and treated municipal and industrial wastes. "AST" means an aboveground storage tank.

(3) "Bulk product piping" means on-site integral piping with an internal diameter greater than three inches that is utilized for transporting regulated substances.

(3)(4) "Cathodic protection" means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.

(5) "Cathodic Protection Tester" means a person who can demonstrate an understanding of the principles



and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

(This definition should remain because the testing of cathodic protection systems, and in particular galvanic anode cathodic protection systems, do not require that same level of certification. Testers go in the field to verify adequate cathodic protection exists on a tank or pipe, but they do not design systems or perform retrofit. Their services are needed along with the definition to spell out the differences in responsibilities.)

(4)(6) “Certified Contractor” means a Pollutant Storage System Contractor certified by the Department of Business and Professional Regulation in accordance with Chapter 489, F.S. Except for the exemptions specified in Chapter 489, F.S., Certified Contractors are not required for activities that do not involve excavating or disturbing the backfill around UST systems. Certified Contractors are the only contractors authorized to perform the following activities for underground pollutant storage tank systems:

(a) Installation of:

1. USTs or integral piping, excluding drop tubes;

2. Overfill protection and spill containment;

3. Secondary containment;

4. Internal release detection devices;

5. Cathodic protection systems; and

6. Dispenser liners when the integral piping is connected or disconnected during the installation of secondary containment.

(b) Removal of tanks or integral piping; and

(c) Internal lining of tanks.

(Recommend leaving this clarifying language in for the benefit of regulated interests)

(5) “Certified Contractors Form” means Underground Storage Tank Installation and Removal Form for Certified Contractors 62-761.900(5).

(6)(7) “Chlorine” includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) or chlorides (Cl⁻).

(7) “Closure Evaluation” means the investigation at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil to determine if there has been a discharge.

(8) “Closure Report” is a document that contains the Closure Evaluation, as applicable, and a description of the closure activities and the condition and integrity of the storage tank system or storage tank system component at the time of closure, replacement, installation of secondary containment, ~~repairs performed because of an operational or structural problem that could potentially result in a release,~~ or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil.

(Language is too vague and could be misinterpreted by inspectors. Repairs have nothing to do with closure. If you are going to repair equipment, you intend to keep it. If it can't be repaired, then closure may be necessary. Recommend striking the reference to repairs in the definition because of the potential of inclusion of minor repairs and the additional cost. The environment will be protected through the definition of “discovery” if a release occurs during a repair.)

(9)(8) “Compatible” means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the storage tank system under conditions likely to be encountered in the storage tank system.

(9) “Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities result in exceedances of applicable cleanup target levels specified in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, or 62-550, F.A.C.



(10) “Corrosion Professional” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as a Cathodic Protection Specialist or Corrosion Specialist, or be a professional engineer licensed ~~registered~~ in the State of Florida.

Corrosion Professionals using vapor corrosion inhibitor technologies for corrosion control must have experience with and knowledge of vapor corrosion inhibitors, and installation certification from the vapor corrosion inhibitor technology registered in accordance with Rule 62-762.851(2), F.A.C.

(Establishes criteria for Corrosion Professionals using this technology for corrosion control.)

(10a) “Corrosion Protection” means the minimization of corrosion by the use of cathodic protection or by the use of vapor corrosion inhibitors.

(Reason – makes it clear that cathodic protection is not the only approved method of protecting metal surfaces from corrosion.)

(11) “County” means a locally administered program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

~~(12)~~(13) “Day tank” means a storage tank system component in close proximity to an engine to provide a reliable supply of fuel.

~~(12) “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.~~

(13) “Discovery” means:

~~(a) Either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of an incident, release, or discharge, or an unmaintained storage tank system; or~~

~~(b) Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(10), F.A.C.~~

(14) “Dispenser” means a dispensing system that is used to transfer vehicular fuel from a fixed point to a vehicle.

(15) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(14) “Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

~~(15)~~(16) “Dispensing system” or “Dispenser” means equipment that is used to transfer regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.

~~(16)~~(17) “Double-walled” means a storage tank system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.

(17) “DRF” means Discharge Report Form 62-761.900(1).

(20) “Empty” means all regulated substances have been removed so that no more than one inch in depth or 0.3 percent by weight of total system capacity of regulated substances remains in the storage tank system.

(Recommend retention of this definition. It has not been a problem, and allows for condensate and other “de-minimus” amounts of liquid in the tank.)

(19) “Existing contamination” means:

(a) The presence of free product or sheen on the groundwater;

(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:

1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or



equivalent petroleum products; or

2. ~~50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;~~

(c) ~~Results of analytical tests on a groundwater sample that:~~

1. ~~Exceed the cleanup target levels for petroleum products' contaminants of concern specified in Table I of Chapter 62-777, F.A.C.; or~~

2. ~~Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or~~

3. ~~Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or~~

(d) ~~After July 13, 1998, results of analytical tests on a soil sample that:~~

1. ~~Exceed the lower of direct exposure residential and leachability based on groundwater criteria cleanup target levels for petroleum products' contaminants of concern specified in Table II of Chapter 62-777, F.A.C.; or~~

2. ~~Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above; or~~

3. ~~Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above.~~

(20) "Facility" means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 110 gallons for UST systems.

(18)(21) "Free product" means the presence of nonaqueous phase liquid in the environment a regulated substance in excess of 0.01 foot in thickness, measured at its thickest point, ~~floating on water, surface water or groundwater.~~

(22) "Hazardous substances" means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(33) "Heating oil" means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.

(Recommend retention of the definition of "Heating Oil" to avoid confusion to regulated interests. Not a problem now.)

(24) ~~"High viscosity" means a pollutant with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade.~~

(25) "Hydraulic lift tank" means a tank that holds hydraulic fluid for a closed loop mechanical system used to operate lifts, elevators, and other similar devices.

(19)(26) ~~"Hydrostatic test" means a containment integrity test for a storage tank or storage tank system component that is performed in accordance with this Chapter using equilibrium and the pressure of liquids to test the integrity of the tank or system component.~~

(20)(27) ~~"Impervious" means:~~

(a) ~~a synthetic material or another material registered in accordance with subsection 62-761.850(2), F.A.C., that is compatible with the stored regulated substance, and has a permeability rate to the regulated substance stored of 1×10^{-7} cm/sec or less; or,~~

(b) ~~For concrete structures, a material that:~~

1. ~~Meets the design and construction standards of ACI 350R-89 and ACI 224R-89; or~~

2. ~~Is applied to the concrete in accordance with NACE International Standard RP0892-92~~

(21)(28) ~~"In contact with the soil" means any portion of a storage tank system, that physically touches the soil or, if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious, integral piping connected to USTs, or any portion of a tank, that:~~

(a) ~~Physically touches the soil; or~~

(b) ~~Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.~~

(c) ~~Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.~~

(22)(29) "Incident" is a condition or situation indicating that a release or discharge may have occurred from a



storage tank system.

(23) “INF” means Incident Notification Form 62-761.900(6).

~~(24)(30)~~ “In-service” means a storage tank system that is being actively operated and that contains greater than one inch or 0.3% by weight of regulated substance, ~~is being actively maintained and operated in accordance with this Chapter. Non-compliance with any specific rule within this Chapter does not exclude the system from being considered “in-service.” Subject to the above, a storage tank system is also considered to be in-service if it:~~

~~(a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;~~

~~(b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or~~

~~(c) Contains non-regulated substances and is still maintained in an in-service status at the request of the owner or operator.~~

(The 0.3% by weight requirement is not a current problem. Safeguards are being proposed in the notification section of the rule that would prevent owners from excessive reporting or notification for routine temporary out-of-service notifications to the Department.)

~~(25)(31)~~ “Integral piping” means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Integral piping, not including vapor recovery lines and vent lines, includes all valves, elbows, joints, flanges, pumps, and flexible connectors, up to the:

~~(a) Union of the piping with the dispensing system;~~

~~(b) Fill cap or fill valve; or~~

~~(c) Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; or~~

~~(d) First flange or connection within the loading rack containment area.~~

(The revision that excludes vapor recovery lines and vent lines is a good one and has full industry support)

~~(26)~~ “Integrity test” means a determination of the liquid tightness of a storage tank system component using one of the following types of tests:

~~(a) “Interstitial integrity test” means an evaluation of the interstitial space in a double-walled storage tank system component using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by a Nationally Recognized Testing Laboratory; or~~

~~(b) “Primary integrity test” means an evaluation of the liquid tightness of the primary tank or integral piping.~~

~~(c) “Containment integrity test” means an evaluation of the liquid tightness of the hydrant pits, isolation valve pits, piping sumps, dispenser sumps, and spill containment systems.~~

(Adds additional systems used in the aviation industry and by the military.)

~~(32)~~ “Internal lining” means a material that is applied internally on USTs to protect the tank from internal corrosion.

~~(27)~~ “Interstice” means the space between the primary and secondary wall of a storage tank system component.

~~(28)(33)~~ “Interstitial monitoring” is a method of release detection in which the interstice is monitored. ~~release detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:~~

~~(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or~~

~~(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.~~

~~(34)~~ “Liner” means an impervious material that meets the performance standards of paragraph 62-761.500(1)(d), F.A.C., that is used externally as a method of secondary containment.

~~(29)(35)~~ “Maintenance” means the normal operational upkeep in accordance with Rule 62-761.700, F.A.C., to prevent a storage tank system from releasing or discharging regulated substances.



(30)(36) “Nationally Recognized Testing Laboratory” means an international or national organization or governmental entity that can perform quantitative and qualitative tests on storage tank system equipment, evaluate the test data and equipment performance, and make determinations of the equipment’s capability of meeting the technical requirements standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. **Nationally Recognized Laboratories include organizations such as Underwriter’s Laboratories, Carnegie Mellon Research Institute, Southwest Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.**

(Recommend retention of this language to help equipment manufacturers and other interested parties with obtaining services.)

(31) “New” means a storage tank system or system component that is installed after the effective date of this Chapter.

(32)(37) “On-site” means on the same or geographically contiguous property as the facility regulated under this Chapter, that is under the same ownership or control, and which may be divided by a public or private right-of-way or an easement.

(33) “Reliability test” means a test performed to determine if electronic and mechanical release detection and overfill protection devices or systems are functioning as designed and in accordance with manufacturers specifications.

(38) “Operational life” refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-761.800(2), F.A.C.

(39) “Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.

(34)(40) “Out-of-service” means a storage tank system **meeting the requirements in subsection 62-761.800(1), F.A.C., that the owner and operator removes from active operations for an extended period of time that:**

(a) Is designated as an out-of-service system by owner or operator notification to the Department on Form 62-761.900(2);

(b) Is empty as defined in subsection 62-761.200(18), F.A.C.; and

(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-761.800(1), F.A.C., for a maximum time of:

1. Two years of being taken out of service for USTs; or

2. **Ten years** of being taken out of service for storage tank systems with secondary containment.

(Recommend retention of the 2004 definition with minor changes. This has not been a significant problem, and the new definition really isn’t defined. It just says “meeting the requirements in subsection 62-761.800(1), F.A.C.”, which really is of marginal use to owners trying to comply. The amended version above is more descriptive and useful for all parties involved)

(34)(41) “Overfill” is an incident a release or discharge that occurs when a tank is filled beyond its capacity.

(35) “Overfill protection” is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

(42) “Owner” means any person as defined in Section 376.301(23), F.S., owning a facility.

(36)(43) “Pesticides” mean any substance or mixture of substances, as defined in 487.201, F.S., intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the Department of Agriculture and Consumer Services by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term “pesticide” does not include any article that:

(a) Is a “new animal drug” within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

(b) Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection. means all preparations, products, and substances included in the Department of Agriculture and Consumer Services’ Rule 5E-2.002, F.A.C.

(44) “Petroleum” includes:



~~(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and~~

~~(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph 62-761.200(44)(a), F.A.C.~~

~~(45) "Petroleum product" means any liquid fuel commodity made from petroleum.~~

~~(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:~~

- ~~1. Diesel fuel;~~
- ~~2. Kerosene;~~
- ~~3. Gasoline; and~~
- ~~4. Fuels containing mixtures of gasoline and other products.~~

~~(b) Forms of fuel excluded from this definition are:~~

- ~~1. Liquefied petroleum gas;~~
- ~~2. American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;~~
- ~~3. Bunker C residual oils;~~
- ~~4. Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;~~
- ~~5. Asphalt oils; and~~
- ~~6. Petrochemical feedstocks.~~

~~(37)(46) "Pipe" or "piping" means any hollow cylindrical or tubular conveyance through which regulated substances flow.~~

~~(38)(47) "Piping sump" or "Submersible turbine pump sump" means a storage tank system component liner installed as secondary containment or a monitoring port at the top of a tank or lowest point in the integral piping to detect releases.~~

~~(48) "Pollutants" includes any "product" as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.~~

~~(49) "Pressure test" means a test to determine the integrity of integral piping performed in accordance with subparagraph 62-761.640(5)(a)1., F.A.C.~~

~~(39)(50) "Pressurized piping" means piping through which regulated substances flow due to a pump that is not located at the dispensing system.~~

~~(40)(51) "Product" as defined in Section 377.19(11), F.S., means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, used oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.~~

~~(52) "Registered Precision Tank Tester" means a contractor that performs tightness tests on USTs, and small diameter piping connected to USTs, that is registered by the Department of Business and Professional Regulation pursuant to Chapter 489, F.S.~~

~~(41) "Registration form" means Storage Tank Facility Registration Form 62-761.900(2).~~

~~(42)(53) "Regulated substance" means a liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), that is a pollutant or a hazardous substance, or any mixture of the two, when stored in a storage tank UST.~~

~~(43)(54) "Release" means:~~

- ~~(a) A discharge; or~~
- ~~(b) a loss of regulated substances from a storage tank system into the system's secondary containment.~~

~~(44)(55) "Release detection" means a method of:~~

- ~~(a) Determining whether a discharge of regulated substances has occurred; or~~
- ~~(b) detecting the presence of regulated substances within a storage tank system's secondary containment; and/or detecting other conditions or situations indicative of a release or discharge.~~

~~(56) "Release detection response level" is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.~~

(Eliminating this well intended but no longer useful requirement is a good thing!)



~~(45)(57)~~ “Repair” means to restore or replace any defective or damaged parts of a storage tank system: in accordance with Rule 62-761.700, F.A.C. Replacement of a non-defective part is not a repair.

~~(46)(58)~~ “Residential storage tank system” means a storage tank system that services a non-commercial building that is used exclusively as a dwelling unit which means a structure that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies, is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.

~~(47)(59)~~ “Secondary containment” means a release detection and discharge prevention system that meets the performance requirements standards of paragraph 62-761.500(1)(b), F.A.C., and includes dispenser sumps liners, piping sumps, spill containment systems, the outer wall of double-walled tanks and integral piping, or the liner systems, or single-walled tanks or piping systems that are contained within a liner or an impervious containment area surrounding single-walled tanks or integral piping.

~~(48)(60)~~ “Sheen” means a regulated substance less than or equal to 0.01 foot in thickness, measured at its thickest point, or visibly observed, floating on surface water, groundwater, or within secondary containment.

~~(61)~~ “Significant loss or gain” means the sum of losses and gains of a regulated substance over a 30-day or monthly period that exceeds:

~~(a)~~ For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:

- ~~1.~~ One percent of the tank capacity; or
- ~~2.~~ One percent of the total weekly output; or
- ~~3.~~ Fifty gallons, whichever is greatest; or

~~(b)~~ For tanks with capacities greater than 2000 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:

- ~~1.~~ One percent of the tank capacity; or

~~2.~~ One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.

~~(62)~~ “Small diameter piping” means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.

~~(49)~~ “Spill containment system” means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.

~~(50)(63)~~ “Storage tank system” means a tank used to contain regulated substances, its integral piping, and all its components, including dispensing systems, spill containment systems devices, overfill protection systems devices, secondary containment systems, day tanks, and any associated release detection equipment. A storage tank system is a “storage system” as defined in Chapter 376.301, F.S.

~~(51)(64)~~ “Suction piping” means piping through which regulated substances flow due to a pump located at the dispensing system.

~~(52)(65)~~ “Tank” means an enclosed stationary container or structure that is designed or used to store regulated substances, and the volume of which, including the volume of underground piping, is ten percent or more buried beneath the surface of the ground.

~~(66)~~ “Tightness test” means a test for an underground storage tank or its small diameter piping that is performed in accordance with subparagraphs 62-761.640(3)(f)1. and (4)(b), F.A.C., by a precision tank tester registered with the Department of Business and Professional Regulation under Chapter 489, F.S.

~~(67)~~ “UST” means an underground storage tank.

~~(68)~~ “UST Category A system” means a system containing pollutants that was installed on or before June 30, 1992, or a system containing hazardous substances that was installed before January 1, 1991.

~~(69)~~ “UST Category B system” means a system containing pollutants that was installed after June 30, 1992, or a system containing hazardous substances that was installed on or after January 1, 1991, and before July 13, 1998.

~~(70)~~ “UST Category C system” means a system that was installed on or after July 13, 1998. USTs that are removed and relocated on or after July 13, 1998 are considered Category C systems.

~~(71)~~ “Unmaintained” means:

~~(a)~~ A storage tank system that was not closed in accordance with Department rules; or

~~(b)~~ An out of service storage tank system that is not returned to in-service status within:

- ~~1.~~ Two years of its being out of service for USTs; or
- ~~2.~~ Ten years of its being out of service for storage tank systems with secondary containment.

~~(72)~~ “Upgrade” means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single-wall corrosion resistant



storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.

(xx) “Temporary out-of-service” is a designation of a service status for an underground storage tank system that is emptied solely for the purpose of cleaning, routine maintenance, microbial contamination, a “stop sale” order by DACS, or change of product for a time period exceeding seven days, but less than three months.

(Recommend inclusion of this status. Facility Owners have encountered problems with alternative fuels and bio-fuels, and it provides a convenient way of dealing with temporary down-time to clean tanks or perform routine maintenance without the paperwork or notification that adds costs without benefits. FDEP is protected by the three months limitation.)

(53) “Valid Registration” means that applicable registration requirements that are specified in Rule 62-761.400, F.A.C., have been met for all regulated storage tank systems at a facility.

(67) “Vapor Corrosion Inhibitor” (VCI) means a chemical substance that volatilizes from a liquid or solid through vapor pressure and then moves freely within an enclosed airspace where the molecules preferentially adsorb onto metal surfaces and create a protective layer that inhibits the corrosive action of water, oxygen, acid gas molecules, and other corrosive agents with the metal surfaces.

(Includes vapor-corrosion inhibitor technology)

~~(73) “Vehicular fuel” means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.~~

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, 3-8-94, Formerly 17-761.200, Amended 9-30-96, 7-13-98, 6-21-04,_____.

Substantial rewording of Rule 62-761.210, F.A.C., follows. See Florida Administrative Code for present text.

62-761.210 Reference RequirementsStandards.

(1) Referenced requirements are available for inspection at the County Offices, and the Department of Environmental Protection’s District and Tallahassee Offices, and directly from the source.

(2) Titles of documents. References to documents listed in paragraphs 62-761.210(2)(a) through (l), F.A.C., below are made throughout this Chapter. Each document or part thereof is adopted and incorporated as a guideline only to the extent that it is specifically referenced in this Chapter. To the extent that the provisions contained in the following reference requirements conflict with this Chapter, the Department’s requirements as stated in this Chapter shall control.

(a) American Petroleum Institute (API), 1220 L Street, N.W. Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>.

1. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996;

2. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011;

3. Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996; and

4. Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006.

(b) ASME International (founded as the American Society of Mechanical Engineers), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800) 843-2763, or at <http://www.asme.org/>; Process Piping, B31.3-2004, 2012 Edition.

(c) Florida Department of Environmental Protection (DEP), Division of Waste Management, 2600 Blair Stone Road, MS 4500, Tallahassee, Florida 32399-2400, (850) 245-8839; Storage Tank System Closure Guidelines - Closure Evaluation Guidance, or at www.dep.state.fl.us/ (effective date of the rule).

(d) NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, (800) 797-6223, or at



<http://www.nace.org/>:

1. Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition; and

2. Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition.

(e) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800) 344-3555, or at www.nfpa.org/:

1. Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition;

2. Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C), 2012 Edition; and

3. Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition.

(f) National Leak Prevention Association (NLPA), Route 2 Box 106A, Falmouth, Kentucky 41040, (702) 832-2260, or at <http://www.nlpa-online.org/>.

(NLPA Standard 631?)

(g) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, (301) 975-NIST (6478), or at <http://www.nist.gov/index.html>.

~~(h) National Work Group On Leak Detection Evaluations (NWGLDE), <http://www.nwglde.org/>.~~

(This group is not officially sanctioned by EPA and its members are volunteers. While very knowledgeable and well-intended, they have no legal standing and there is no appellate options if they disapprove of a leak detection method. Government cut-backs are going to continue to make it difficult for members to attend meetings for this group. DEP should not tie it's rule to their organization.)

(i) Petroleum Equipment Institute (PEI), Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/:

1. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition; and

2. Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition.

(j) Steel Tank Institute (STI), ~~944 Donata Ct. 570 Oakwood Road~~, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steeltank.com/>:

1. sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013; ~~and~~

2. Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006;:-

~~3. Cathodic Protection Testing Procedures for sti-P3 UST's, STI R051-06, (R051)~~

~~4. Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs, STI R972; and,~~

~~5. Storage Tank Maintenance STI R111, (R111),~~

~~6. Specification for External Corrosion Protection of FRP Composite Steel USTs - ACT-100® F894~~

~~7. Specification for External Corrosion Protection of Composite Steel USTs - ACT-100-U® F961~~

~~8. Permatank®: Specification for Permatank®, F922, January 2013~~

~~9. Standard for Dual Wall Underground Steel Storage Tanks, F841, January, 2006~~

(These standards are all recommended by the Steel Tank Institute as having relevance with the existing rule and for future installations, and the EPA federal UST regulations reference numerous Steel Tank Institute standards. Many underground steel storage tanks installed in Florida were built to these standards and they remain as useful references. Therefore, they should be included as references)

(k) Underwriters Laboratories Standards (UL), 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/:



1. Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition;
2. Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition;
3. Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition; and
4. External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition.

(Recommend the inclusion for UL 1856 for internal secondary containment.)

(l) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/;

1. Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), Title 40, Part 280, July 2008; Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001; and
2. Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001.

(3) Applicability of Reference Requirements: Unless otherwise specified in this Chapter, facilities installed before *(the effective date of the rule)* are subject to the Reference Requirements listed in the Department's storage tank rules that were in effect at the time of facility construction or operation. Facilities installed after *(the effective date of the rule)* shall comply with this subsection on or after *(the effective date of the rule)*.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Amended 7-13-98, 6-21-04, _____.

62-761.300 Applicability.

(1) General Requirements:

(a) ~~Underground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, ~~and owners and operators of underground storage tank UST systems with individual storage tank capacities greater than 110 gallons, that contain or contained regulated substances:~~

1. ~~Vehicular fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~
2. ~~Pollutants or hazardous substances after December 10, 1990; or~~
3. ~~Regulated substances in unmaintained storage tank systems.~~

(b) ~~This rule is applicable to non-residential facilities. Under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal UST rules (advisory information only not required by this Chapter).~~

(2) Exemptions: The following ~~underground systems~~ are exempt from the requirements of this Chapter:

- (a) Any storage tank system storing any hazardous waste listed or identified under Subtitle C of the Resource Conservation and Recovery Act, or a mixture of such hazardous waste and other regulated substances;
- (b) Any storage tank system regulated under the Toxic Substances Control Act (15 U.S.C. 2065);
- (c) Any pesticide waste degradation system regulated under Chapter 62-660, F.A.C.;
- (d) Storage tank systems used solely for temporary storage of mixtures of pesticides and diluent for reapplication as pesticides;

(e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored. ***“Heating oil” means any petroleum-based fuel used in the operation of heating equipment, boilers, or furnaces;***

(Recommend leaving it in the definitions section)

(f) ~~Any tank that contains asphalt or asphalt products not containing other regulated substances;~~

(g) ~~Any storage tank system storing regulated substances that are solid or gaseous at standard temperature and pressure;~~

(h) ~~Any storage tank containing Liquid Petroleum Gas;~~

(g)(i) Any storage tank system that:

1. Contains a regulated substance at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under 40 C.F.R. 302; and



2. Was never previously regulated under Chapter 376.30 through 376.309, F.S. or this Chapter; contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;

~~(h)(j)~~ Any storage tank system that contains wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

~~(i)(k)~~ Any septic tank system;

~~(l)~~ Any stormwater or wastewater collection system, including oil-water separator tanks;

~~(m)~~ Any surface impoundment, pit, pond, or lagoon;

~~(j)(n)~~ Any agricultural storage tank system of 550 gallons capacity or less that is used for agricultural purposes;

~~(k)(o)~~ Any residential storage tank system used solely for residential purposes. However, under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal underground storage tank rules;

~~(l)(p)~~ Any emergency spill or emergency overflow containment storage tank system that is emptied as soon as possible after use, and that routinely remains empty;

~~(q)~~ Any flow through process tank system. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility;

~~(m)(r)~~ Any storage tank system, liquid trap, or associated gathering lines directly related to oil or gas production and gathering operations regulated by Chapter 377, F.S.; however, this exclusion does not apply to storage tanks that contain refined products;

~~(n)(s)~~ Any equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift or fluid tank systems that hold hydraulic fluid for closed-loop mechanical systems used to operate lifts, elevators, and other similar devices and cooling oil (dielectric fluid) systems used for electrical equipment and electrical equipment tank systems;

~~(o)(t)~~ Any pipeline, piping and "break-out" tanks directly connected to the pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations facilities;

~~(p)(u)~~ Any storage tank system containing radionuclides or that is part of an emergency generator system for nuclear power generation at facilities regulated by the Nuclear Regulatory Commission under 10 C.F.R. Part 50 Appendix A;

~~(q)(v)~~ Any vapor recovery holding tanks and associated vapor recovery piping systems; or

~~(r)~~ Any storage tank system containing biofuel that has a concentration of regulated substance of five percent or less by volume.

~~(w)~~ Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 5 of NFPA 30.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-761.300, Amended 7-13-98, 6-21-04, _____.

62-761.350 Operator Training and Certification (Reserved for Rulemaking)

62-761.400 Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) A completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the Department no later **than seven days before installation, or no later than 2140** days after installation notification to the County pursuant to Rule 62-761.405, F.A.C. Copies of the Registration Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(The current rule allows Registration 30 days after regulated or hazardous substances are put into any new storage tank system. The proposed rule requires 10 days after Installation Notification, which is 30 to 45 days before installation. This means an owner may have to submit the registration form 20 to 35 days before installation, a difference of 50 to 65 days before the existing



rule. What is the rush? With the new requirements for Operator Training and Delivery Prohibition, it is understandable that the DEP would want registration prior to Operation, but this paperwork takes time for owners to complete. It is recommended that this date be changed to "no later than seven days before installation, or no later than 21 days after installation notification")

(c) A completed Form 62-761.900(5), Underground Storage Tank System Installation and Removal Form for Certified Contractors (Certified Contractors Form), effective date, (effective date of the rule), hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the County no later than 10 days after installation of a storage tank system. Copies of the Certified Contractors Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or, www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(2) For change in service status or closure pursuant to Rule 62-761.800, F.A.C.:

(a) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days after completion of the change in service status.

(b) A completed Certified Contractors Form shall be submitted to the County in paper or electronic format no later than 10 days after removal of a storage tank system.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

~~(3) Financial responsibility.~~

~~(a) Any change in the owner or operator of a facility or of a storage tank system.~~

~~(a) General requirements.~~

~~1. The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance. Financial responsibility is only required for tanks containing petroleum or petroleum products. Financial responsibility is the ability to pay for corrective action and third party liability resulting from a discharge at the facility.~~

~~2. The demonstration of financial responsibility shall be made by the owner or operator in accordance with C.F.R. Title 40, Part 280, Subpart H.~~

~~3. Financial responsibility requirements for petroleum storage systems containing petroleum products may be supplemented by participation in the Florida Petroleum Liability Restoration and Insurance Program to the extent provided by Section 376.3072, F.S.~~

~~4. Notwithstanding the owner's or operator's financial responsibility status, the owner or operator may, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.~~

~~(b) Any change or correction in the information reported in the Registration Form. A change within the same blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);~~

~~(b) The minimum requirements for financial responsibility for USTs containing petroleum or petroleum products shall be the same as provided by C.F.R. Title 40, Part 280, Subpart H.~~

~~(c) A change from a regulated substance to a non-regulated substance; and~~

~~(d) The discovery of an unregistered storage tank system.~~

~~(1) General registration requirements.~~

~~(a) The owner or operator of any facility, or the owner or operator of a storage tank system shall register the storage tank system with the Department on Form 62-761.900(2).~~

~~(b) A completed registration form shall be submitted to the Department no later than 30 days after regulated or hazardous substances are put into any new storage tank system.~~

~~(4)(2) Registration fees.~~

~~(a) Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all registered storage tank systems required to be registered. Registration fees except for storage tank systems that have been properly closed in accordance with subsection 62-761.800(2), F.A.C., will no longer be due once any outstanding fees have been paid.~~

~~(b) A registration fee of \$50.00 per tank or vessel shall be submitted for each initial registration of a storage tank system. The fee shall be paid within 30 days after receipt of an invoice by the Department.~~

~~(c) A renewal fee of \$25.00 per tank shall be paid to the Department for each storage tank system not meeting the closure requirements of subsection 62-761.800(2), F.A.C. by July 1 each year.~~

~~(d) A replacement fee of \$25.00 per tank shall be paid to the Department for each tank that is replaced for the~~



purpose of facility upgrading, within 30 days after receipt of an invoice by the Department.

(e) A late fee of \$20.00 per tank shall be paid to the Department for any renewal that is received after July 31.

(f) Upon receipt of payment of all applicable initial registration fees and annual renewal fees, each facility shall receive a valid registration placard, pursuant to Section 376.3077, F.S. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the storage tank system is located. Posted on the Department website will be information regarding those motor fuel facilities who have not timely paid their registration fees. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the tank is located.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-761.400(4)(f), F.A.C., no motor fuel may be deposited into a storage tank required to be registered pursuant to this Rule. Facility owners, operators and suppliers are each responsible for compliance with this provision.

(6) Revocation of Registration Placard. (Reserved for Rulemaking)

(7) Delivery prohibitions. (Reserved for Rulemaking)

Rulemaking Specific Authority 376.303, 376.322(2) FS. Law Implemented 376.303, 376.309, 376.323, 376.3077 FS. History–New 12-10-90, Formerly 17-761.400, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.405 Notification.

(1) For Installations:

(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction will begin.

(b) Notification shall be received by the County in writing or electronic format between 30 and 45 days before installation of a storage tank system or system component unless the County agrees to a shorter time period.

(c) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the installation work to confirm the date and time of the scheduled activities.

(2) For change in service status closure, or closure evaluation:

(a) Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period.

(b) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the initiation of the work to confirm the date and time of the scheduled activities.

(3) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 72 hours; however an INF need not be submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-761.430, F.A.C., confirms that a discharge did or did not occur. Copies of the INF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(4) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 24 hours. Copies of the DRF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.450, 62-761.450, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.420 Financial Responsibility.

(1) Financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum or petroleum product at the facility.

(2) The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department for all storage tank systems until they are properly closed. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility.



However, both persons are liable in event of noncompliance.

(3) The demonstration of financial responsibility for storage tank systems shall be made available for inspection by the Department or the County and shall be in accordance with Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST) – Financial Responsibility, Title 40, Part 280, Subpart H, July 2008, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and is available from the address given.

(Why was sub-paragraph (4) included in the AST rule and excluded in the UST rule?)

(4) Notwithstanding the owner's or operator's financial responsibility status, the owner and operator shall, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.309 FS. History-New

62-761.430 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rule 62-761.600, F.A.C.:

1. Any visual inspection of ***any part of*** a storage tank system, ***dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances*** that reveals ***pitting corrosion with more than a fifty percent loss of its original design thickness, or cracking, splitting, blistering, delamination, softening*** ~~*signs of corrosion, cracks,*~~ structural damage, leakage, or other similar problems ***with fiberglass, steel, polyethylene, or any other materials of construction for equipment registered in accordance with Rule 62-761.850(2), F.A.C.:***

(Cracks are usually seen within FRP and Polyethylene storage tank systems. What about incompatible issues, such as blistering, linings that are no longer adhering, or delamination? The proposed language will minimize potential inspector interpretation or judgment issues that have been a problem in the past, e.g. surficial rust on submersible turbine pumps, electrical conduits, piping sump hardware, or minor surficial rust on piping in sumps. This will allow the Department to focus on problems that are truly incidents.)

2. Any visual observation of regulated substances in a piping or dispenser sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained, or that liquid ***other than de minimus levels of condensate*** has been detected by a sensor in a normally dry interstice;

(Recognizes the inevitable presence of small amounts of condensate without missing a true incident)

4. Any visual observation that indicates that liquid monitoring levels are not being maintained;

5. Any vacuum or pressure change of ***50% 10%*** from one month to the next, or any cumulative change of vacuum or pressure exceeding ***50% 10%*** of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge;

(Recognizes real-world problems with fluctuations in vacuum and pressure without sacrificing environmental protection. I've seen significant changes from atmospheric pressure, the weight of the product in the tank, and daily temperature variations that affect vacuum and pressure gauges. If there is a leak at all, you will not be able to hold any vacuum, and the 50% level is a reasonable threshold. Also, having to refresh the vacuum at 50% is more cost effective)

6. Any visual inspection that indicates the presence of water ***other than de minimus levels of condensate*** and/or regulated substances in the interstice;



(Recognizes the inevitable presence of small amounts of condensate)

7. Any instance where a mechanical line leak detector is restricting flow;
8. Any instance where an electronic line leak detector has shut off power to the pump;
9. Any instance where a monitoring device has shut off the pump; and
10. Liquid in excess of one inch in an out-of-service storage tank.

(b) A failed integrity test for the following components;

1. Double-walled storage tanks;
2. Double-walled integral piping;
3. Piping sumps;
4. Dispenser sumps; and
5. Spill containment systems.

(c) Other unusual operating conditions, such as the erratic behavior of product dispensing equipment, the sudden loss of product from a storage tank system, or any unexplained presence of water in a tank or an interstitial space;

(d) The presence of odors of a regulated substance from surface water or groundwater, soil, basements, sewers and utility lines at a facility; and

(e) The loss of a regulated substance from a storage tank system, such as from an overflow, exceeding 25 gallons on impervious surfaces, other than secondary containment, provided that the loss does not come in contact with pervious surfaces.

(2) If an incident occurs at a facility, actions shall be taken within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

(3) Notification of the discovery of any incident shall be made to the County in writing or electronic format on an INF within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

(4) In cases where an INF is required to be submitted, the investigation shall be completed within 14 days of the date of discovery of the incident to determine if a discharge has occurred. Incident investigations that require additional time can be extended with the written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period, or at the end of the alternate time period approved by the Department or the County to investigate the incident, either a DRF or a written confirmation and explanation that the incident was not a discharge shall be submitted to the County in writing or electronic format.

(6) The removal of any spill or loss of regulated substance into secondary containment shall be initiated within three days of discovery, and completed within thirty days of discovery.

(7) If a discharge is discovered at any time during the incident investigation, the discharge shall be reported on a DRF within 24 hours of discovery or before the close of the next business day, and a discharge response shall be initiated in accordance with subsection 62-761.440(6), F.A.C.

(8) All incidents, regardless of whether an INF is required to be submitted, shall be documented and records kept until storage tank system closure in accordance with Rule 62-761.710, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New

62-761.440 Discharges.

(1) Discharges include:

(a) Laboratory analytical results of surface water or groundwater samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C.;

(b) Laboratory analytical results of soil samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C. that exceed the lower of direct exposure residential or leachability based on groundwater criteria cleanup target levels in Chapter 62-777, F.A.C.;

(c) The presence of free product, a visible sheen, sludge, or emulsion of a regulated substance, or a regulated substance that is visibly observed in soil, on or in surface water, in groundwater samples, on basement floors, in open drainage ditches, in open excavations or trenches, in subsurface utility conduits or vaults, or in sewer lines at the facility; and



- (d) A spill or overflow of a regulated substance to a pervious surface.
- (2) Upon discovery of a discharge, the owner or operator shall report the discharge to the County on a DRF within 24 hours or before the close of the County's next business day.
- (3) Copies of laboratory analytical results that confirm a discharge shall be submitted to the County within 24 hours of receipt of the results or before the close of the next business day in writing or electronic format.
- (4) A request for a retraction of a submitted DRF shall be submitted to the County or the Department in writing or electronic format if evidence is presented that a discharge did not occur at the facility.
- (5) A DRF does not need to be submitted:
- (a) For a discharge that was previously reported to the appropriate County on a DRF;
- (b) For petroleum or petroleum product de minimis discharges in accordance with Rule 62-780.560, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in the following document which is hereby adopted and incorporated by reference, and is available from the address given: Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001; or
- (c) For ~~non-petroleum~~ ~~nonpetroleum~~ de minimis discharges in accordance with Rule 62-780.550, F.A.C., unless the pollutant has a more stringent reporting requirement specified in Title 40, Part 302.

(Typo)

- (6) Discharge response.
- (a) When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:
1. Fire, explosion, and vapor hazards shall be identified and mitigated;
 2. Actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (e.g., Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with Chapter 62-780, F.A.C.;
 3. Each component of the storage tank system shall be integrity tested within three days of discovery of the discharge if the source and/or cause of the discharge is unknown;
 4. The storage tank system component that is discharging shall be isolated from the system within three days of discovery of the discharge. If the component cannot be isolated from the system, within three days of discovery of the discharge the storage tank system shall not operate, dispense, or accept deliveries, or shall be placed out-of-service in accordance with Rule 62-761.800, F.A.C., until the component can be repaired or replaced;
 5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-761.700, F.A.C.;
 6. If the storage tank system component that was found to be discharging will be replaced, it shall meet the storage tank system requirements in accordance with Rule 62-761.500, F.A.C.; and
 7. If the storage tank system component that was found to be discharging will not be repaired or replaced, the storage tank system, if not already out-of-service, shall be placed out-of-service within 90 days or be closed in accordance with Rule 62-761.800, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New _____.

62-761.450 Notification and Reporting.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.450, Amended 9-30-96, 7-13-98, 6-21-04., Repealed _____.

Substantial rewording of Rule 62-761.500, F.A.C., follows. See Florida Administrative Code for present text.

62-761.500 Performance Standards for Category C Storage Tank Systems Requirements.

- (1) General requirements.
- (a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.



(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substance and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

3. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

(Includes vapor-corrosion inhibitor technology)

3. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

4. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, hydrant sumps, and dispenser sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

a. Twenty-four hours for field-fabricated components; or

b. Three hours for factory-made components.

5. An interstitial integrity test shall be performed on the storage tank after it is delivered to the facility and before the storage tank is placed into service. This test shall be performed in accordance **with manufacturer's requirements and** with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition, Petroleum Equipment Institute (PEI), Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, and Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380.

(Clarification)

6. An interstitial integrity test shall be performed on integral piping in accordance with PEI/RP100-11 and PEI/RP1200-12 before the integral piping is placed into service.

7. An interstitial integrity test shall be performed on double-walled spill buckets or double-walled sumps in accordance with PEI/RP1200-12 before the component is placed into service.

(Note – double-wall spill buckets or piping sumps are not required by rule or statute. However, if and owner choose to install a double-wall spill bucket or piping sump, it makes sense to perform a test at installation)

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-761.210(2)(d), F.A.C. Cathodic protection test stations shall provide direct access to the soil in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-761.700(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.



4. Supplemental anodes that are added to a sti-P3 tank can be installed according to STI R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs.

(Correct reference)

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies registered with the Department in accordance with Rule 62-762.851(2), F.A.C. provide an alternative to cathodic protection for protection of metal surfaces within secondary containment. Vapor corrosion inhibitors (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates. Electrical resistance (ER) probes must be able to determine corrosion rates based on the increase in electrical resistance over time of a metal element on the probe surface where the metal loss in the element's cross-sectional area from corrosion will be accompanied by a proportional increase in the element's electrical resistance. If electrical resistance probes cannot be incorporated into the VCI protection system, then an alternate method as recommended by a Corrosion Professional shall be used.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.701(3), F.A.C.

(Language needed to allow the use of corrosion protection systems previously approved by the Department that are equivalent to cathodic protection systems for USTs)

(d) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with the regulated substances stored in the storage tank systems.

(e) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(f) All storage tank systems shall be installed in accordance with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070.; Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Process Piping, B31.3-2004, 2012 Edition, ASME International (founded as the American Society of Mechanical Engineers), Published by ASME, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900; and PEI/RP100-11.

(g) A Certified Contractor shall perform the installation of storage tank systems containing pollutants, including tanks, integral piping (excluding drop tubes), overfill protection and spill containment equipment, internal release detection equipment, cathodic protection systems, secondary containment systems, and dispensing systems, if the installation of the storage tank system component disturbs the backfill, or where the integral piping is connected or disconnected during installation.

(h) Whenever storage tanks and/or integral piping are installed, modified or relocated after the effective date of this rule, Record Drawings ("as-builts"), signed and sealed by a professional engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-761.710, F.A.C. The as-built drawing shall include all construction and equipment design specifications including exact dimensions, geometry, and locations of the storage tanks and/or integral piping, of the work completed under contract, and any changes made to the original specifications during the construction process.

(Note – this requirement for "As-builts" only makes sense for UST systems, but it will add an additional cost. The increase in costs should be quantified before the passage of the rule to



determine if there is a significant environmental benefit for the extra cost.)

(2) Storage Tanks.

(a) All storage tanks at a facility shall have secondary containment and shall be constructed or installed to provide for interstitial monitoring of the entire storage tank.

(b) Fiberglass reinforced plastic double-walled tanks shall be constructed in accordance with the following document, Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference and available at the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(c) Cathodically protected double-walled steel tanks shall be:

1. Constructed in accordance with the following documents, or as applicable: Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, and External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and are available from the addresses given;

2. Constructed in accordance with the following document, sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and is available from the address given; or

3. Constructed in accordance with the following document, STI R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and is available from the address given; or

(This RP fulfills the requirements of c.3 specifically for the STI sti-P3 cathodic protected tank)

3. Certified by a Nationally Recognized Testing Laboratory for any field-installed cathodic protection system, that these requirements are met, constructed and designed by a Corrosion Professional in accordance with the following document, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference, and is available from the address given.

(d) Double-walled steel tanks coated with a fiberglass reinforced plastic composite shall be constructed in accordance with UL 58 and UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(e) Jacketed steel tanks shall be constructed in accordance with UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(Paragraph (d) precludes the use of jacketed tanks. These are steel tanks with an outer non-metallic tank that provides both corrosion protection and secondary containment. These tanks are built to UL 1746 and should be included as a new paragraph (e).)

(e) Double-walled storage tanks that meet the above performance requirements, that are constructed of equivalent material, have an equivalent design, or are corrosion protected shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.

(f) Tanks shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(g) Double-walled storage tanks that have been removed and that are to be reinstalled at a different location shall:



1. Be recertified that all original warranties are confirmed by the original manufacturer or the manufacturer's successor, and be reinstalled in accordance with the requirements in this section; or
2. Be recertified by a professional engineer licensed in the state of Florida that the storage tank meets all applicable requirements of this section; and
3. Proof of recertification shall be provided to the Department and County prior to the start of installation. The storage tank shall be re-registered in accordance with subsection 62-761.400(1), F.A.C.
- (3) Integral piping.
 - (a) All integral piping, including remote fill piping that is in contact with the soil shall have secondary containment; or
 - (b) All integral piping that transports regulated substances over surface waters of the state shall have secondary containment and shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials; or
 - (c) All integral piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-761.500(3)(d)2. through 4., F.A.C., shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials.
 - (d) Construction requirements.
 1. Fiberglass reinforced plastic integral piping or other non-metallic double-walled integral piping installed in contact with the soil at a facility shall meet the requirements of Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and is available from the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-761.850(2), F.A.C.
 2. Coated steel double-walled integral piping shall be constructed in accordance with ASME B31.3. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906; and Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and available from the addresses given.
 3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, Piping Systems.
 4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.
 - (e) Integral piping shall be installed with a slope to a low point monitoring system to allow for release detection in accordance with Rule 62-761.600, F.A.C.
 - (f) Pressurized integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, Requirements for Dispensing Devices. These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-12 at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.
 - (g) All storage tanks located at an elevation that produces a gravity head on the dispenser or on integral piping positioned below the product level in the storage tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, Tank Openings Other Than Vents, and located as close as practical to the storage tank. In addition, anti-siphon valves for suction and pressurized systems with dispensers that are subject to NFPA 30A, shall be installed and maintained in accordance with Section 11.2 of NFPA 30A, Marine Fueling - Storage. Storage tank systems without dispensers shall be installed with valves that will prevent the tanks from emptying if there is a leak or break in the integral piping.
 - (h) Pressurized integral piping systems connected to dispensers shall be installed with a method of leak detection that can detect a leak within one hour, and can include a mechanical line-leak detector or an electronic line leak detector, or another device registered in accordance with Rule 62-761.850(2)F.A.C.**



(Ought to be in this section as well as Section 600 to make it clear to owners and operators)

(i) Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with Rule 62-762.851(2), F.A.C. shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe test location or a method of monitoring to allow for a determination of the corrosion rate within the interstitial space or metallic surface within a contained area. The VCI system shall be designed and installed in accordance with the requirements specified in Rule 62-762.701(2), F.A.C.

(Allows the use of VCI's for interstitial corrosion protection)

(4) Spill containment systems.

(a) Storage tank systems shall be installed with a spill containment system at each tank fill connection meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C..

(b) Fillbox covers shall be marked or the fill connection tagged in accordance with Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference, and is available from the address given, or with an equivalent method approved by the Department in accordance with subsection 62-761.850(1), F.A.C.

(c) Spill containment systems, ~~including double-walled spill containment systems~~, shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C. **Double-wall spill containment systems are not required to perform interstitial integrity tests or monthly interstitial monitoring observations, and are considered single-wall spill buckets for the purpose of this rule.**

(Note – double-wall spill buckets are not required by rule or statute. If an owner chooses to purchase double-wall spill containment, it makes sense to perform a test at installation in accordance with manufacturers specifications, but owners should not be punished with more costs if they have double-wall spill buckets, so DEP should not require monthly interstitial monitoring or interstitial B.O.I.'s after installation unless an owner chooses to perform one instead of a hydrostatic test of the primary.)

(5) Dispensing systems and dispenser sumps.

(a) The dispensing system used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30 and Chapter 6, Fuel Dispensing Systems; Chapter 9, Operational Requirements; and Chapter 11, Marine Fueling of NFPA 30A.

(b) Dispensers shall be installed with a dispenser sump meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C. The dispenser sump shall extend beneath the union of the integral piping and the dispenser, including the shear valve, if applicable.

(c) Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(6) Piping sumps.

(a) Piping sumps shall meet the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and be registered in accordance with subsection 62-761.850(2), F.A.C. The sumps shall be designed, constructed, and installed to minimize water entering the sump.

(b) Piping sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(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.

(b) Storage tank systems shall be equipped with an overfill device that:

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



2. Restricts flow to the storage tank when the storage tank is no more than 90% full and does not fill the storage tank beyond 95% capacity. Vent restriction devices such as ball float valves shall not be installed at facilities after (the effective date of the rule) unless the storage tank system meets the requirements of Section 7 of PEI/RP 100-11, UST Overfill Equipment Verification, Inspection and Testing; or

3. Alerts the transfer operator when the tank is no more than 90% full by triggering an alarm and does not fill the tank beyond 95% capacity.

(c) Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.

(d) Storage tank systems with capacities of 2000 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% capacity.

(e) Overfill devices shall be registered in accordance with subsection 62-761.850(2), F.A.C.

(f) New day tanks shall be installed with an overfill protection system that returns the regulated substance to the storage tank from the day tank through separate integral piping.

(g) All new float control valves installed on day tanks and all overfill alarms on storage tanks shall be tested annually at intervals not exceeding 12 months to demonstrate the float control valve or alarm is operating as designed. These records shall be kept for five years in accordance with Rule 62-761.710, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.500, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.510 Performance Standards for Category-A and Category-B Storage Tank Systems

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303-.3072 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.510, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.600 Release Detection Requirements Standards.

(1) General requirements.

(a) Storage tank systems shall have a method, or combination of methods, of release detection that:

1. Can detect a new release from any portion of the storage tank system;

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-761.800(2), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring.

Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, and visual release detection methods.

(Clarification)

2. Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability to ensure that the device is functioning as designed; and

3. Meets the applicable performance standards in Rule 62-761.640, F.A.C. All manufacturer's instructions, and the performance claims and their manner of determination described in writing by the equipment manufacturer or installer shall be retained for as long as the storage tank system is used.

(b) A release detection response level shall be described in writing for each method or combination of methods of release detection used for a storage tank system.

(c) A release detection method shall be established and provided for all storage tank systems upon installation.

(d) Except as otherwise specified in this Rule Rules 62-761.600-.640, F.A.C., the release detection method or combination of methods used at a facility shall be performed at least once every a calendar month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. **Any Every** component of a storage tank system **that contains, transfers, or stores, or is designed to contain, transfer, or store pollutants** that can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-761.710, F.A.C. Any visual inspection of **of any component a storage tank system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances** that reveals **pitting corrosion with more than a fifty percent loss of its original design thickness, or cracking, splitting, blistering, delamination, softening signs of**



~~corrosion, cracks,~~ structural damage, leakage, or other similar problems with fiberglass, steel, polyethylene, or any other materials of construction for equipment registered in accordance with Rule 62-761.850(2), F.A.C. is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. Repairs shall be made in accordance with Rule 62-761.700, F.A.C. A monthly visual inspection is not required for any system component using an electronic release detection method, but piping sumps must be visually inspected every six months and records kept of the visual inspection. At least once a month, but not exceeding 35 days, any storage tank and component of a storage tank that can be inspected visually shall be visually inspected in accordance with paragraph 62-761.640(2)(c), F.A.C. A visual inspection is not required for any system component that has a continuous or monthly electronic release detection sensor. Continuous electronic leak detection devices shall be inspected for proper operation on a monthly basis. Inspection may consist of visual observation or remote verification of proper operation.

(Same language as used in the INF section, and will ensure that only bonafide incidents will be reported, and that minor ethanol-induced corrosion will not be included. The proposal for semi-annual visual inspections of piping sumps is a safeguard for faulty sensors)

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-761.700(3), F.A.C.; and

2. Registered in accordance with subsection 62-761.850(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered. A site suitability determination shall be performed for UST systems by December 31, 1998, in accordance with paragraphs 62-761.640(2)(a) - (d), F.A.C., for storage tank systems using groundwater or vapor monitoring wells for release detection. If the site suitability determination indicates that on-site conditions are unsuitable for external monitoring, another method of release detection must be used.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to potential releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results. Vapor monitoring plans shall be performed by December 31, 1998, for UST systems, in accordance with paragraph 62-761.640(2)(d), F.A.C., for storage tank systems using vapor monitoring for release detection.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable. Any component of a storage tank system with secondary containment shall have an interstitial monitoring method meeting the requirements of paragraph 62-761.640(3)(a), F.A.C.

(i) Storage tank systems that store fuel solely for use by emergency power generators shall comply with the release detection requirements of Rule 62-761.600, F.A.C., within 90 days of the effective date of the Rule. Pressurized piping, excluding bulk product piping, shall be equipped with a line leak detector that meets the standards of paragraph 62-761.640(4)(a), F.A.C. Gravity piping systems are exempt from this requirement.

(2) Storage Tanks.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels can not be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining



changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response, and except for liquids confirmed as de minimus amounts of condensate, the ~~The~~ positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Recognizes the common reality of small amounts of interstitial condensate)

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Vacuum or pressure readings shall be able to detect a ~~50-10%~~ **50-20%** change from one month to the next, or any cumulative change of vacuum or pressure exceeding ~~50-20%~~ of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-761.850(2), F.A.C. Any change indicated above is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Release detection with gauges for USTs with double-walls, as well as associated integral piping, is often difficult because of variable influences and factors such as temperature, humidity and water in the piping sump, atmospheric pressure, and piping runs that go above and below ground. Small changes in vacuum and pressure are inevitable, and the 50% proposal will assist with the range of fluctuations that can occur. If there is a hole or breach in the system, it will not be able to hold ANY vacuum).

b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water and/or regulated substances in the interstice **other than de minimus levels of condensate** is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Recognizes the inevitable presence of small amounts of condensate)

8. Visual monitoring of liners. This method shall be able to detect the presence of liquid at a low point of the liner. The accumulation of water or condensation in the low point of the liner shall not interfere with the ability to detect regulated substances. Any **evidence of petroleum-stained containment surfaces, free product, or leaking of regulated substances from any part of a storage tank system secondary containment presence of regulated substances** in the liner is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(If left unchanged, the "any presence" requirement could be interpreted by inspectors as a



slight sheen from a couple of drops of fuel released when a fuel filter was changed. It would create incidents at nearly every facility in Florida)

(3) Integral piping with secondary containment.

(a) One or more of the release detection methods in subsection 62-761.600(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter 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. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and restrict flow within one hour. Any instance where the mechanical line leak detector is restricting flow is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. **Monthly release detection printed tapes from automatic tank gauges for electronic line leak detectors are not required to be kept as records to demonstrate compliance, but a positive response from an electronic line leak detector must be recorded and investigated in accordance with Rule 62-761.430, F.A.C.**

(Makes it clear that owners and operators of electronic line leak detectors are not punished for having a more effective and environmentally friendly method of piping release detection than owners with mechanical line-leak detectors that are not as effective.)

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of ten gallons within one hour and shutting off the pump. Any instance where the monitoring device has shut off the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(4) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing Laboratory.

(5) Records shall be kept for **threefive** years in accordance with Rule 62-761.710, F.A.C.

(Recordkeeping for three years correlates to the Departments inspection frequency and is less of a burden for facility owners)

(j) Any storage tank system not provided with a method, or combination of methods, of release detection in accordance with this section, shall be closed in accordance with subsection 62-761.800(2), F.A.C., by the date upon which release detection is to be provided.

(k) Groundwater and vapor monitoring wells meeting the standards for external monitoring specified in paragraphs 62-761.640(2)(a)-(d), F.A.C., that are no longer used for release detection, shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 2010. Wells not meeting these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are:

1. Used for contamination assessment purposes as specified in paragraph 62-761.600(2)(d), F.A.C.; or
2. Required by rules adopted by a County government in accordance with Section 376.317, F.S.

(2) By December 10, 1990, vehicular fuel petroleum storage tank systems of greater than 550 gallon capacity shall be provided with release detection. Release detection for all other storage tank and integral piping systems in contact with the soil shall be provided by December 31 of the year shown in Table RD.

TABLE RD



Year Storage Tank System Installed	Year Release	Detection Required		
Before 1970 or unknown	P/RD	1991	1992	1993
1970-1974	P	RD		
1975-1979	P		RD	
1980-1990	P			RD

P = Installation of Release Detection for Pressurized Piping

RD = Installation of Release Detection for Tanks and Suction Piping.

(3) Effective December 31 of the applicable year specified under the schedule in Table RD, any groundwater monitoring plan or spill prevention control and countermeasure plan implemented before December 22, 1990, shall be capable of detecting the leak rate or quantity specified in paragraph 62-761.640(1)(a), F.A.C.

(4) UST systems that store fuel solely for use by emergency power generators are not required to comply with the release detection standards of Rules 62-761.600 through 62-761.640, F.A.C.

(5) Monitoring wells shall meet the standards of subsection 62-761.640(2), F.A.C., by December 31, 1998. Wells that do not meet these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are required by a rule that was adopted by a County government in accordance with Section 376.317, F.S. However, if a monitoring well is used solely for the purpose of monitoring petroleum contamination in accordance with Chapter 62-770, F.A.C., the well does not have to be closed until the completion of the site rehabilitation pursuant to Chapter 62-770, F.A.C. Covers of leak detection monitoring wells redesignated as site assessment wells by the facility owner or operator shall be colored black with a white circle within the black background. The diameter of the white circle shall be approximately one half the diameter of the manhole cover, or approximately four inches.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History—New 12-10-90, Formerly 17-761.600, Amended 7-13-98, 6-21-04, _____.

62-761.610 Release Detection Methods

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.610, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.640 Performance Standards for Release Detection Methods

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.640, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

Substantial rewording of Rule 62-761.700, F.A.C., follows. See Florida Administrative Code for present text.

62-761.700 Repairs, Operation and Maintenance of Storage Tank Systems.

(1) Repairs.

(a) Repairs shall be performed, as necessary, if any component of a storage tank system has:

1. A release or contributed to a release of a regulated substance; or
2. **Other than de minimus levels of condensate, an An** operational or structural problem that could potentially result in a release, or lead to the presence of water in the interstice of a double-walled storage tank or integral piping.

(b) The storage tank system shall immediately cease operating, dispensing, and/or accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and
2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shut down of electrical generating units serviced by the storage tank system.

(c) Repairs shall be made:

1. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure or corrosion for the remaining operational life of the storage tank system; and



2. In accordance with manufacturer's specifications and applicable reference requirements.

(d) **If repairs are needed for any primary or secondary tank or piping system walls, or any component of the storage tank system with an interstitial space, then the repaired** ~~Repaired~~ components shall be integrity tested for liquid tightness before being placed back into operation.

(This proposed revision in red limits the integrity testing to the primary and secondary spaces for shop-fabricated storage tanks and will minimize inspector misinterpretation)

(2) Cathodic **and Corrosion** protection.

(a) Cathodic **and Corrosion** protection systems shall be operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil **or within interstitial spaces using vapor corrosion inhibitor technologies**.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory-installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in NACE International Standards SP0169-2007 and SP0285-2011, **or STI R051-06 Cathodic Protection Testing Procedures for sti-P3 UST's (R051)**, as applicable. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

(Recommend adding STI R051 as an additional test method for testing sti-P3 tanks. Steel Tank Institute has performed over 100,000 tests on sti-3 tanks. STI was instrumental in revising NACE tank cathodic protection testing procedures for underground storage tanks, especially tanks with galvanic anodes. The STI R051 needs to be referenced.)

2. Storage tank systems with impressed current systems shall be inspected at intervals not exceeding two months. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 1440 hours in one year shall be immediately taken out-of-service and within 30 days, and assessed by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria.

(c) Records of the continuous operation of impressed current systems and all cathodic protection inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-761.710(3)(c), F.A.C.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1. Be repaired within ~~90~~**30** days in accordance with subparagraph 62-761.700(2)(b)1., F.A.C., or
2. Be closed in accordance with subsection 62-761.800(2), F.A.C.

(A corrosion professional generally doesn't review test reports. A cp tester alone will test and pass/fail a system. 30 days is not adequate time to have a system repaired. 90 days is more appropriate.)

(3) **Vapor Corrosion Inhibitors**

(a) **Vapor Corrosion Inhibitor systems shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks and piping. Vapor Corrosion Inhibitors can also be used for corrosion control for the ullage of USTs or other enclosed spaces.**

(b) **Inspection and testing requirements.**

1. **Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year thereafter. All VCI protection systems shall have permanent test stations with at least one electrical resistance probe to measure corrosion rates, or a method of monitoring to allow for a determination of VCI effectiveness and to monitor current operating**



status of the VCI protection system.. If the data from the electrical resistance probes or from an alternate method or source of data evaluated by a Corrosion Professional indicate that the vapor corrosion inhibitors have been depleted and can no longer provide the design capacity to protect the targeted metallic surfaces for the designed time period, the Corrosion Professional shall direct the replenishment or replacement of the depleted vapor corrosion inhibitors with a new quantity of vapor corrosion inhibitors.

2. . Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturers instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days in and be retested within 90 days from the date of replenishment; or

2. Be closed in accordance with subsection 62-762.801(2), F.A.C.

(All proposed revisions in this sub-section are to provide the option of using vapor corrosion inhibitor technologies that perform a similar function to cathodic protection by using a different approved technology. For USTs, VCI's can be used in piping sumps, metallic interstitial spaces, and the ullage of metallic double-wall USTs)

(3) Operation and maintenance.

(a) Integrity testing.

1. The integrity of ~~the~~ secondary containment ~~systems~~ and interstitial spaces ~~of small diameter piping installed after the effective date of the rule~~ shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications or PEI/RP1200-12. ~~The integrity of containment sumps with capacities less than 500 gallons that are installed after the effective date of the rule shall be verified by performing a containment integrity test. Small diameter piping installed after the effective date of the rule~~ ~~Secondary containment systems~~ that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed by January 1, 2020, and every five years thereafter. The interstitial spaces of double-wall underground tanks and single ~~in accordance with the following schedule:~~

- ~~a. Double-walled storage tanks shall be tested by January 1, 2015, and every five years thereafter;~~
- ~~b. The interstice of double-walled integral piping by January 1, 2015, and every five years thereafter;~~
- ~~c. Below-grade piping sumps by January 1, 2015, and every five years thereafter;~~
- ~~d. Below-grade dispenser sumps by January 1, 2015, and every five years thereafter;~~
- ~~e. Double-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter;~~
- ~~f. Single-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter; and~~
- ~~g. Single-walled storage tanks or integral piping installed within liners are exempt from this requirement.~~

(This requirement is an example of making a problem out of something that is not a problem, and that has limited value on USTs. Integrity testing of USTs is often inducing leaks and damaging storage tank systems with great additional risk for regulatory-induced discharges. Double-wall underground tanks and piping usually have very small interstitial spaces that are very susceptible to damage from over pressure or vacuum. Additionally, these systems are not designed to have periodic interstitial integrity tests, and the depth or presence of groundwater is not always factored in to the testing parameters by the B.O.I testing company. If an area has a high ground water table, the added weight of the water over the tank could and has caused the failure of the interstitial space if the additional pressure is not accounted for. It is recommended that integrity testing be performed only at installation for small diameter piping and system containment components installed after the effective date of the rule, and that the facility rely on the presence of liquids in the interstice for release detection. This would enable manufacturers to properly design for the testing of the piping. Given the FDEP Leak Autopsy study data that shows piping as a significant risk and problem for releases, it makes sense to limit B.O.I.'s to piping and



not include USTs. There is no cost-benefit to this onerous requirement, and the risk of causing new leaks is not worth the requirement for breach of integrity testing. Also, the Department has no data showing that double-wall USTs are failing (except perhaps for after a B.O.I.)

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level four inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket. The secondary containment system shall be deemed tight if the water level remains stationary for a three hour period.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(b) Water removal.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, **or water levels above the lowest side-wall penetration of a below-ground containment sump,** or any regulated substance collected in secondary containment, spill containment systems, or in piping sumps and dispenser sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

(This addition confirms inspector policy of ignoring water in a sump that does not adversely affect the ability of the release detection to work.)

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 3-12-91, Formerly 17-761.700, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.710 Recordkeeping.

(1) All records shall be dated, maintained in permanent form, and available for inspection by the Department or County. If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon five working days of the Department's request notice. ~~Site access to the facility shall be provided for compliance inspections conducted at reasonable times.~~

(2) Records of the following are required to be kept for **three** ~~five~~ ~~two~~ years:

(Three years synchronizes with the three year inspection schedule of the Department and the Energy Act of 2005)

(a) ~~Measurements and reconciliations of inventory, as applicable;~~

(b) ~~Repair, operation, and maintenance records;~~

~~(b)(c) All release detection results, including electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraph 62-761.600(1)(e) 62-761.640(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;~~

~~(c)(d) All test data and results gathered during annual operability tests and integrity tests Release detection response level descriptions; and~~

~~(d)(e) A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-761.850, F.A.C.;~~

~~(f) Certification of Financial Responsibility on Form 62-761.900(3);~~

~~(g) Records of the types of fuels stored per tank; and~~

~~(h) The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.~~

(3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:

(a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment Results of internal inspections and non-destructive testing;

(b) Any performance claims for release detection equipment described in writing by the equipment



manufacturer or installer;

(e) Records of storage tank system installations, replacements, recertifications, and upgrades;

~~(c)(d)~~ Records of installation, maintenance, inspections, and testing of cathodic protection systems in accordance with NACE standards;

(d) Records of installation, maintenance, inspections, and testing of vapor corrosion inhibitor protection systems in accordance with Corrosion Professional recommendations;

(Includes requirements needed to demonstrate the effectiveness of the corrosion control provided by the vci technology)

~~(d)(e)~~ Record drawings (“as-builts”) as specified in paragraph 62-761.500(1)(h), F.A.C. ~~Site suitability determinations in accordance with subsection 62-761.640(2), F.A.C.;~~

~~(e)(f)~~ A copy of all INFs, and the results of all incident investigations as specified in Rule 62-761.430, F.A.C. Vapor monitoring plans and all records kept pursuant to the plan;

~~(f)(g)~~ A copy of all DRFs Closure assessment reports if the location continues as a facility; and

~~(g)(h)~~ A copy of all Closure Reports, as referenced in paragraph 62-761.210(2)(c), F.A.C., if the location continues as a facility. Verification from a Certified Contractor of the existence of a single check valve beneath the suction pump for suction piping systems.

(4) Records to demonstrate financial responsibility shall be maintained until storage tank system closure.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.322 FS. History—New 12-10-90, Formerly 17-761.710, Amended 9-30-96, 7-13-98, ~~Repromulgated~~ 6-21-04, _____.

62-761.800 Out-of-Service and Closure Requirements.

(1) Out-of-service storage tank systems.

(a) General.

1. Storage tank systems that are taken out-of-service, as required in this subsection as defined in subsection 62-761.200(40), F.A.C., shall continue to be maintained in accordance with this Chapter unless otherwise noted herein.

2. Facility owners and operators of out-of-service storage tank systems shall:

a. Continue to operate and maintain corrosion protection in accordance with subsection paragraph 62-761.700(2)(1)(b), F.A.C.;

b. ~~Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-761.640(2), F.A.C.;~~

~~c. Leave vent lines open and functioning;~~

~~cd. Remove all regulated substances so that no more than one inch in depth~~ **or 0.3 percent by weight of regulated substances remains in the storage tank** ~~Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and~~

~~de. Secure or close off the system to outside access.~~

(Current rule is not a problem, and 0.3 is in the current rule)

32. Facility owners and operators of out-of-service storage tank systems shall monitor the interstice and the liquid level in the storage tank annually ~~but not to exceed 12 months~~. Records of these inspections shall be maintained in accordance with subsection 62-761.710(2), F.A.C. In the event that liquid in excess of one inch in the storage tank or any liquid in the interstice is discovered, **facility owners and operators must follow the procedures for suspected incidents an INF must be submitted in writing or electronic format and an investigation as to the cause performed** pursuant to Rule 62-761.430, F.A.C. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.

(Department’s proposed language compels an INF, while the suggested revision requires following procedures for suspected incidents. It’s not an incident until after the investigation)

43. Release detection device annual operability testing, containment and ~~interstitial~~ integrity testing, and



annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems ***installed after the effective date of the rule*** that have been out-of-service for more than ***two years~~365 days~~*** shall perform interstitial integrity testing of the storage tank and ***small diameter*** integral piping before adding regulated substances to the storage tank system. ~~Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out of service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-761.800(2), F.A.C.~~

(This requirement for interstitial integrity testing should be eliminated for existing systems, but if the tank has been out of service for two years without monthly release detection then a B.O.I. could be performed for tanks and piping installed after the effective date of the rule that have been properly designed to have safe interstitial integrity testing.)

54. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with subsection 62-761.800(2), F.A.C. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., as applicable, on any systems being returned to service.

(b) Before being returned to service, the following tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., for systems that are taken out of service for more than 180 days:

1. ~~A tightness test for single-walled systems; or~~
2. ~~A breach of integrity test for double-walled Category C systems.~~

(c) ~~Single-walled systems that are taken out of service shall not be kept out of service longer than two years for corrosion-protected systems or one year for unprotected bare steel systems. After the end of these time periods, the systems shall either be upgraded or permanently closed.~~

(2) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection:~~General.~~

1. A storage tank system that is out-of-service or has not had regulated substances added to or withdrawn from the system for more than ~~Closure of storage tank systems shall be performed by:~~

- a. Two years for single-walled storage tank systems; or ~~Removing all liquids and accumulated sludges;~~
- b. Ten years for storage tank systems with secondary containment. ~~Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~
- c. ~~Closing the storage tank system in accordance with paragraphs 62-761.800(2)(b), F.A.C., as applicable; and~~
- d. ~~Conducting a closure assessment in accordance with subsection 62-761.800(3), F.A.C.~~

2. A storage tank system that fails to meet the requirements of Rule 62-761.500, F.A.C. After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

3. A storage tank system that requires repair pursuant to Rule 62-761.700, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter. Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-761.600(1)(k), F.A.C.

(b) Closure of storage tank systems shall be performed by: ~~Unmaintained systems shall be permanently closed within 90 days of discovery.~~

(c) ~~System removal, closure in place, and disposal shall be performed:~~

1. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes; In accordance with API RP 1604 and NFPA 30; and

2. Removing or disconnecting and capping all integral piping; By a Certified Contractor if the system is removed from the ground, unless it is closed in place by filling it with a solid inert material of sufficient density to prevent a structural collapse of the closed system.

3. Removing and disposing of a storage tank by a Certified Contractor, or in-place closure by filling the storage tank with a solid inert material of sufficient density to prevent a structural collapse of the closed storage tank, which shall be in accordance with the following documents hereby adopted and incorporated by reference, and available from the addresses given. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996, American Petroleum Institute, Published by API Publications and Distribution,



1220 L Street, N.W. Washington, D.C. 20005-4070, and Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C). In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances in accordance with API RP 1604. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities; and

4. Conducting a Closure Evaluation and preparing a Closure Report, as referenced in paragraph 62-761.210(2)(c), F.A.C., in accordance with subsection 62-761.800(3), F.A.C.

(c) The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements.

(3) Closure Report and Evaluation Requirements, as referenced in paragraph 62-761.210(2)(c), F.A.C. Closure assessment of storage tank systems.

(a) Closure Report At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.

1. A Closure Report is always required and shall be completed in accordance with the Department's "Storage Tank System Closure Guidelines - Closure Evaluation Guidance," specified in paragraph 62-761.210(2)(c), F.A.C., at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components in contact with the soil If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.

2. A Closure Report (including a Closure Evaluation, as required), shall be submitted in writing or electronic format to the County within 60 days of completion of any of the activities listed in subparagraph 62-761.800(3)(a)1., F.A.C. Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

(b) Closure Evaluation. In addition to a Closure Report, all storage tank systems in contact with the soil must perform a Closure Evaluation according to the Department's "Storage Tank System Closure Guidelines - Closure Evaluation Guidance" specified in paragraph 62-761.210(2)(c), F.A.C. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP's "Storage Tank System Closure Assessment Requirements";

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure; and

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-761.640(3)(a), F.A.C.;

(c) Closure assessment sampling and analysis shall be conducted according to DEP's "Storage Tank System Closure Assessment Requirements."

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-761.800(3)(a), F.A.C. The report shall include sample types, sample locations and measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP's "Storage Tank System Closure Assessment Requirements."

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.30716 FS. History--New 12-10-90, Formerly 17-761.800, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.820 Incident and Discharge Response.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-



761.820, Amended 9-30-96, 7-13-98, 6-21-04, Repealed.

62-761.850 Alternative Procedures Requirements and Equipment Registration Approvals.

(1) Alternative procedure requirements.

(a) Any person subject to the provisions of this Chapter may request in writing a determination by the Secretary or the Secretary's designee that any requirement of this Chapter shall not apply to a regulated storage tank system at a facility, and shall request approval of alternative ~~alternate~~ procedures or requirements.

(b) On Form 62-761.900(4), Alternative Requirement or Procedure Form, effective date, *(the effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, the request shall set forth at a minimum the following information:

1. The specific storage tank system or facility for which an exception is sought;
2. The specific provisions of this Chapter 62-761, F.A.C., from which an exception is sought;
3. The basis for the exception;
4. The alternative procedure or requirement for which approval is sought;
5. Documentation that demonstrates that the alternative procedure or requirement provides an equivalent or greater degree of protection for the lands, surface waters or groundwaters of the State as the specific provisions of this Chapter from which an alternative procedure is sought ~~established requirement~~; and
6. Documentation that demonstrates that the alternative procedure or requirement is at least as effective as the established procedure or requirement.
7. If an alternative ~~alternate~~ procedure or requirement is not able to be sought under subparagraph 5. or 6., then documentation that demonstrates that the specific provisions of this Chapter from which the exception is sought imposes regulatory costs on the regulated entity that could be reduced through approval of a less costly regulatory alternative or requirement that provides a substantially equivalent degree of protection for the lands, surface waters, or groundwaters of the State as the established requirement.

(c) The Department shall issue an Order either: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(1), F.A.C., are met.

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-761.850(1)(b), F.A.C.; or

2. Denying the request and stating the reason(s) the request does not make an adequate demonstration that the requirements of paragraph 62-761.850(1)(b), F.A.C., have been met.

(d) ~~The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S. The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval.~~

(e) The provisions of this Rule do not preclude the use of any other applicable relief provisions.

(2) Registration of storage tank system equipment and release detection systems and methods ~~Equipment approvals.~~

(a) Owners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods (including equipment and methods that were previously approved by the Department under the former Equipment Approval process) have been registered with the Department. ~~Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:~~

(b) Any storage tank system equipment installed after *(the effective date of the rule)* must be registered with the Department in accordance with this section. Upon discovery, non-registered storage system equipment installed after *(the effective date of the rule)* must be removed within 90 days, unless registration is obtained and listed within the 90 day time period.

(c) Equipment previously approved by the Department under the former Equipment Approval process and installed prior to *(the effective date of the rule)* can continue to be used regardless of later non-renewal or removal of registration from the list of registered storage tank system equipment, provided the equipment is still operating as designed.

(d) Only the storage tank system equipment as stated in this Chapter shall be registered by the equipment manufacturer using Form 62-761.900(3) Storage Tank System Equipment Registration Form, effective date, *(the*



effective date of the rule), hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. The following storage tank system equipment is exempt from registration:

1. Dispensers, dispenser islands, nozzles, and hoses;
2. ~~Monitoring well bailers;~~
3. Manhole and fillbox covers;
34. Valves and ball float valves;
45. Cathodic protection test stations;
6. ~~Metallic bulk product piping;~~
57. Small diameter integral piping not in contact with soil, unless the integral piping extends over or into surface waters; and
68. Vent lines.

7. Gauges used for vacuum and pressure monitoring

(e)(b) ~~Registration Equipment approval~~ requests shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will ~~provide equivalent protection or~~ meet the appropriate performance ~~requirements~~ standards contained in this Chapter. Any approvals or denials received from other states **or countries** shall be included in the registration approval request to the Department.

(f)(e) A third-party demonstration by a Nationally Recognized Testing Laboratory shall be submitted in writing or electronic format to the Department with the application. The third-party demonstration shall provide:

1. A technical evaluation of the equipment;
2. Test results that verify that the equipment will function as designed; and
3. A professional certification or determination that the equipment meets the performance ~~requirements~~ standards contained in this Chapter; Rule 62-761.500, F.A.C.
4. Integrity test requirements and procedures; and
5. Annual operability testing procedure for the equipment or release detection system or method.

(g)(d) Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection and be listed with the National Work Group On Leak Detection Evaluations, <http://www.nwglde.org/>, prior to being used. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(2), F.A.C., are met.

(h)(e) The storage tank system equipment and release detection systems and methods registered with the Department under this subsection must be renewed every five years. Failure to renew will result in removal from the equipment registration list. Any changes, improvements, or modifications to equipment beyond the scope of the original demonstration by the Nationally Recognized Testing Laboratory will require a renewal of the registration and a new demonstration from a Nationally Recognized Testing Laboratory pursuant to paragraph 62-761.850(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) The Department shall place conditions upon the use of the storage tank system equipment and release detection systems and methods, remove equipment or methods from the list of registered storage tank system equipment, or not renew registration based on the information submitted to the Department in accordance with this subsection or if the equipment does not perform in field application as certified in the third party certification by a Nationally Recognized Testing Laboratory.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.850, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.900 Storage Tank Forms.

The forms used by the Department in the Storage Tank System Program are adopted and incorporated by reference in this section. The forms are listed by form rule number, ~~which is also the form number, and with the~~ subject title, and effective date. Copies of forms are available ~~may be obtained~~ by writing to the ~~Administrator,~~ Storage Tank Regulation Section, Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500 ~~4525~~, Tallahassee, Florida 32399-2400, or at or online at:



www.flrules.org/Gateway/reference.asp?No=Ref-000### or
<http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

- (1) ~~Form 62-761.900(1) Discharge Report Form, (the effective date of the rule) July 13, 1998.~~
- (2) ~~Form 62-761.900(2) Storage Tank Facility Registration Form, (the effective date of the rule) July 13, 1998.~~
- (3) ~~Form 62-761.900(3) Storage Tank System Equipment Registration Form, (the effective date of the rule) Certification of Financial Responsibility, July 13, 1998.~~
- (4) ~~Form 62-761.900(4) Alternative Requirement or Procedure Form, (the effective date of the rule) July 13, 1998.~~
- (5) ~~Form 62-761.900(5) Underground Storage Tank Installation and Removal Form for Certified Contractors, (the effective date of the rule) July 13, 1998.~~
- (6) ~~Form 62-761.900(6) Incident Notification Form, (the effective date of the rule) July 13, 1998.~~
- (7) ~~Monthly Statistical Inventory Reconciliation (SIR) Report, July 13, 1998.~~
- (8) ~~Limited Closure Summary Report Form, July 13, 1998.~~

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.900, Amended 9-30-9698, 7-13-98, ~~Repromulgated~~ 6-21-04, _____.



CHAPTER 62-761 UNDERGROUND STORAGE TANK SYSTEMS

62-761.100	Intent
62-761.200	Definitions
62-761.210	Reference <u>Requirements Standards</u>
62-761.300	Applicability
62-761.350	<u>Operator Training and Certification</u> (Reserved for Rulemaking)
62-761.400	<u>Registration and Financial Responsibility</u>
62-761.405	<u>Notification</u>
62-761.420	<u>Financial Responsibility</u>
62-761.430	<u>Incidents</u>
62-761.440	<u>Discharges</u>
62-761.450	<u>Notification and Reporting</u> (Repealed)
62-761.500	<u>Storage Tank System Requirements Performance Standards for Category C Storage Tank Systems</u>
62-761.510	<u>Performance Standards for Category A and Category B Storage Tank Systems</u> (Repealed)
62-761.600	Release Detection <u>Requirements Standards</u>
62-761.610	<u>Release Detection Methods</u> (Repealed)
62-761.640	<u>Performance Standards for Release Detection Methods</u> (Repealed)
62-761.700	Repairs, Operation and Maintenance of <u>Storage Tank Systems</u>
62-761.710	Recordkeeping
62-761.800	Out-of-Service and Closure Requirements
62-761.820	<u>Incident and Discharge Response</u> (Repealed)
62-761.850	Alternative Procedures <u>Requirements and Equipment Registration Approvals</u>
62-761.900	Storage Tank Forms

62-761.100 Intent.

(1) The purpose of this Chapter is to provide requirements standards for the registration, construction, installation, operation, maintenance, repair, closure, and disposal of underground storage tank systems that store regulated substances, in order and to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for underground storage tank systems having individual storage tank capacities greater than 110 gallons.

(2) No change.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.100, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.200 Definitions.

All words and phrases defined in Sections 376.301 and 376.79, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Sections 376.301 and 376.79, F.S., for definitions of the following terms: “Contaminant (contamination shall mean the same as contaminant),” **Contaminated** ~~Contaminated~~ site,” “Department,” “Discharge,” “Facility,” “Hazardous substances,” “Operator,” “Owner,” and “Pollutants.” The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings: ~~The following words, phrases or terms used in this chapter, unless the context indicates otherwise, shall have the following meaning:~~

(Typo)

(1) No change

(2) “Biofuel” means fuel produced from renewable resources, especially plant biomass, vegetable oils, and treated municipal and industrial wastes. ~~“AST” means an aboveground storage tank.~~

(3) “Bulk product piping” means on-site integral piping with an internal diameter greater than three inches that is utilized for transporting regulated substances.

~~(3)(4)~~ “Cathodic protection” means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.



(5) “Cathodic Protection Tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

(This definition should remain because the testing of cathodic protection systems, and in particular galvanic anode cathodic protection systems, do not require that same level of certification. Testers go in the field to verify adequate cathodic protection exists on a tank or pipe, but they do not design systems or perform retrofit. Their services are needed along with the definition to spell out the differences in responsibilities. Further, in 2006, the STI suggested that FDEP reference the STI Certification program for cathodic protection testers as an alternate to the NACE program. A number of States have adopted the STI Certification program specifically within their regulations. STI has certified approximately 475 testers throughout the country.

(4)(6) “Certified Contractor” means a Pollutant Storage System Contractor certified by the Department of Business and Professional Regulation in accordance with Chapter 489, F.S. *Except for the exemptions specified in Chapter 489, F.S., Certified Contractors are not required for activities that do not involve excavating or disturbing the backfill around UST systems. Certified Contractors are the only contractors authorized to perform the following activities for underground pollutant storage tank systems:*

(a) Installation of:

1. USTs or integral piping, excluding drop tubes;

2. Overfill protection and spill containment;

3. Secondary containment;

4. Internal release detection devices;

5. Cathodic protection systems; and

6. Dispenser liners when the integral piping is connected or disconnected during the installation of secondary containment.

(b) Removal of tanks or integral piping; and

(c) Internal lining of tanks.

(Recommend leaving this clarifying language in for the benefit of regulated interests)

(5) “Certified Contractors Form” means Underground Storage Tank Installation and Removal Form for Certified Contractors 62-761.900(5).

(6)(7) “Chlorine” includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) or chlorides (Cl⁻).

(7) “Closure Evaluation” means the investigation at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil to determine if there has been a discharge.

(8) “Closure Report” is a document that contains the Closure Evaluation, as applicable, and a description of the closure activities and the condition and integrity of the storage tank system or storage tank system component at the time of closure, replacement, installation of secondary containment, ~~repairs performed because of an operational or structural problem that could potentially result in a release,~~ or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil.

(Language is too vague and could be misinterpreted by inspectors. Repairs usually have nothing to do with closure. If you are going to repair equipment, you intend to keep it. If it can't be repaired, then closure may be necessary. Recommend striking the reference to repairs in the definition because of the potential of inclusion of minor repairs and the additional cost. The environment will be protected through the definition of “discovery” if a release occurs during a repair.)

(9)(8) “Compatible” means the ability of two or more substances to maintain their respective physical and



chemical properties upon contact with one another for the design life of the storage tank system under conditions likely to be encountered in the storage tank system.

(9) “Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities result in exceedances of applicable cleanup target levels specified in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, or 62-550, F.A.C.

(10) “Corrosion Professional” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as a Cathodic Protection Specialist or Corrosion Specialist, or be a professional engineer licensed registered in the State of Florida.

Corrosion Professionals using vapor corrosion inhibitor technologies for corrosion control must have experience with and knowledge of vapor corrosion inhibitors, and installation certification from the vapor corrosion inhibitor technology registered in accordance with Rule 62-762.851(2), F.A.C.

(Establishes criteria for Corrosion Professionals using this technology for corrosion control.)

(10a) “Corrosion Protection” means the minimization of corrosion by the use of cathodic protection or by the use of vapor corrosion inhibitors.

(Reason – provides that cathodic protection is not the only approved method of protecting metal surfaces from corrosion.)

(11) “County” means a locally administered program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

~~(12)~~(13) “Day tank” means a storage tank system component in close proximity to an engine to provide a reliable supply of fuel.

(12) “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.

(13) “Discovery” means:

~~(a) Either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of an incident, release, or discharge, or an unmaintained storage tank system; or~~

~~(b) Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(10), F.A.C.~~

(14) “Dispenser” means a dispensing system that is used to transfer vehicular fuel from a fixed point to a vehicle.

(15) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(14) “Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

~~(15)~~(16) “Dispensing system” or “Dispenser” means equipment that is used to transfer regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.

~~(16)~~(17) “Double-walled” means a storage tank system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.

(17) “DRF” means Discharge Report Form 62-761.900(1).

(20) “Empty” means all regulated substances have been removed so that no more than one inch in depth or 0.3 percent by weight of total system capacity of regulated substances remains in the storage tank system.

(Recommend retention of this definition. It has not been a problem, and allows for



condensate and other “de-minimus” amounts of liquid in the tank.)

(19) “Existing contamination” means:

(a) The presence of free product or sheen on the groundwater;

(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:

1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or

2. 50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;

(c) Results of analytical tests on a groundwater sample that:

1. Exceed the cleanup target levels for petroleum products’ contaminants of concern specified in Table I of Chapter 62-777, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or

(d) After July 13, 1998, results of analytical tests on a soil sample that:

1. Exceed the lower of direct exposure residential and leachability based on groundwater criteria cleanup target levels for petroleum products’ contaminants of concern specified in Table II of Chapter 62-777, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above.

(20) “Facility” means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 110 gallons for UST systems.

(18)(24) “Free product” means the presence of nonaqueous phase liquid in the environment a regulated substance in excess of 0.01 foot in thickness, measured at its thickest point, floating on water, surface water or groundwater.

(22) “Hazardous substances” means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(33) “Heating oil” means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.

(Recommend retention of the definition of “Heating Oil” to avoid confusion to regulated interests. Not a problem now.)

(24) “High viscosity” means a pollutant with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade.

(25) “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed loop mechanical system used to operate lifts, elevators, and other similar devices.

(19)(26) “Hydrostatic test” means a containment integrity test for a storage tank or storage tank system component that is performed in accordance with this Chapter using equilibrium and the pressure of liquids to test the integrity of the tank or system component.

(20)(27) “Impervious” means:

(a) a synthetic material or another material registered in accordance with subsection 62-761.850(2), F.A.C., that is compatible with the stored regulated substance, and has a permeability rate to the regulated substance stored of 1×10^{-7} cm/sec or less; or

(b) For concrete structures, a material that:

1. Meets the design and construction standards of ACI 350R-89 and ACI 224R-89; or

2. Is applied to the concrete in accordance with NACE International Standard RP0892-92

(21)(28) “In contact with the soil” means any portion of a storage tank system, that physically touches the soil



or, if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious, integral piping connected to USTs, or any portion of a tank, that:

- (a) Physically touches the soil; or
- (b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.
- (c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.

(22)(29) “Incident” is a condition or situation indicating that a release or discharge may have occurred from a storage tank system.

(23) “INF” means Incident Notification Form 62-761.900(6).

(24)(30) “In-service” means a storage tank system that is being actively operated and that contains greater than one inch or 0.3% by weight of regulated substance, ~~is being actively maintained and operated in accordance with this Chapter. Non-compliance with any specific rule within this Chapter does not exclude the system from being considered “in-service.”~~ Subject to the above, a storage tank system is also considered to be in-service if it:

- (a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;
- (b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or
- (c) Contains non-regulated substances and is still maintained in an in-service status at the request of the owner or operator.

(The 0.3% by weight requirement is not a current problem. Safeguards are being proposed in the notification section of the rule that would prevent owners from excessive reporting or notification for routine temporary out-of-service notifications to the Department.)

(25)(31) “Integral piping” means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Integral piping, not including vapor recovery lines and vent lines, includes all valves, elbows, joints, flanges, pumps, and flexible connectors, up to the:

- (a) Union of the piping with the dispensing system;
- (b) Fill cap or fill valve; or
- (c) Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; ~~or~~
- (d) ~~First flange or connection within the loading rack containment area.~~

(The revision that excludes vapor recovery lines and vent lines is a good one and has full industry support)

(26) “Integrity test” means a determination of the liquid tightness of a storage tank system component using one of the following types of tests:

- (a) “Interstitial integrity test” means an evaluation of the interstitial space in a double-walled storage tank system component using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by a Nationally Recognized Testing Laboratory; or
- (b) “Primary integrity test” means an evaluation of the liquid tightness of the primary tank or integral piping.
- (c) “Containment integrity test” means an evaluation of the liquid tightness of the hydrant pits, isolation valve pits, piping sumps, dispenser sumps, and spill containment systems.

(Adds additional systems used in the military for USTs. Most commercial hydrant systems are bulk product systems with field-erected ASTs.)

(32) “Internal lining” means a material that is applied internally on USTs to protect the tank from internal corrosion.

(27) “Interstice” means the space between the primary and secondary wall of a storage tank or storage tank system component.



(Clarification to ensure that people don't think that it only applies to components and not the tank or piping)

~~(28)(33)~~ “Interstitial monitoring” is a method of release detection in which the interstice is monitored. ~~release detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:~~

~~(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or~~

~~(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.~~

~~(34) “Liner” means an impervious material that meets the performance standards of paragraph 62-761.500(1)(d), F.A.C., that is used externally as a method of secondary containment.~~

~~(29)(35)~~ “Maintenance” means the normal operational upkeep in accordance with Rule 62-761.700, F.A.C., to prevent a storage tank system from releasing or discharging regulated substances.

~~(30)(36)~~ “Nationally Recognized Testing Laboratory” means an international or national organization or governmental entity that can perform quantitative and qualitative tests on storage tank system equipment, evaluate the test data and equipment performance, and make determinations of the equipment’s capability of meeting the technical requirements standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. **Nationally Recognized Laboratories include organizations such as Underwriter's Laboratories, Carnegie Mellon Research Institute, Southwest Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.**

(Recommend retention of this language to help equipment manufacturers and other interested parties with obtaining services.)

~~(31)~~ “New” means a storage tank system or system component that is installed after the effective date of this Chapter.

~~(32)(37)~~ “On-site” means on the same or geographically contiguous property as the facility regulated under this Chapter, that is under the same ownership or control, and which may be divided by a public or private right-of-way or an easement.

~~(33)~~ “Operability test” means a test performed to determine if electronic and mechanical release detection and overfill protection devices or systems are functioning as designed and in accordance with manufacturers specifications.

~~(38)~~ “Operational life” refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-761.800(2), F.A.C.

~~(39)~~ “Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.

~~(34)(40)~~ “Out-of-service” means a storage tank system **meeting the requirements in subsection 62-761.800(1), F.A.C., that the owner and operator removes from active operations for an extended period of time that:**

(a) Is designated as an out-of-service system by owner or operator notification to the Department on Form 62-761.900(2);

(b) Is empty as defined in subsection 62-761.200(18), F.A.C.; and

(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-761.800(1), F.A.C., for a maximum time of:

1. Two years of being taken out of service for USTs; or

2. Ten years of being taken out of service for storage tank systems with secondary containment.

(Recommend retention of the 2004 definition with minor changes. This has not been a significant problem, and the new definition really isn't defined. It just says “meeting the requirements in subsection 62-761.800(1), F.A.C.”, which really is of marginal use to owners trying to comply. The amended version above is more descriptive and useful for all parties involved)

~~(34)(41)~~ “Overfill” is an incident ~~a release or discharge~~ that occurs when a tank is filled beyond its capacity.



(35) “Overfill protection” is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

(42) “Owner” means any person as defined in Section 376.301(23), F.S., owning a facility.

(36)(43) “Pesticides” mean any substance or mixture of substances, as defined in 487.201, F.S., intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the Department of Agriculture and Consumer Services by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term “pesticide” does not include any article that:

(a) Is a “new animal drug” within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

(b) Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection. means all preparations, products, and substances included in the Department of Agriculture and Consumer Services’ Rule 5E 2.002, F.A.C.

(44) “Petroleum” includes:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph 62-761.200(44)(a), F.A.C.

(45) “Petroleum product” means any liquid fuel commodity made from petroleum.

(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:

1. Diesel fuel;
2. Kerosene;
3. Gasoline; and
4. Fuels containing mixtures of gasoline and other products.

(b) Forms of fuel excluded from this definition are:

1. Liquefied petroleum gas;
2. American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;
3. Bunker C residual oils;
4. Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;
5. Asphalt oils; and
6. Petrochemical feedstocks.

(37)(46) “Pipe” or “piping” means any hollow cylindrical or tubular conveyance through which regulated substances flow.

(38)(47) “Piping sump” or “Submersible turbine pump sump” means a storage tank system component liner installed as secondary containment or a monitoring port at the top of a tank or lowest point in the integral piping to detect releases.

(48) “Pollutants” includes any “product” as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(49) “Pressure test” means a test to determine the integrity of integral piping performed in accordance with subparagraph 62-761.640(5)(a)1., F.A.C.

(39)(50) “Pressurized piping” means piping through which regulated substances flow due to a pump that is not located at the dispensing system.

(40)(51) “Product” as defined in Section 377.19(11), F.S., means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, used oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

(Why is this statutory definition retained in the rule while all others have been deleted?)



(52) “Registered Precision Tank Tester” means a contractor that performs tightness tests on USTs, and small diameter piping connected to USTs, that is registered by the Department of Business and Professional Regulation pursuant to Chapter 489, F.S.

(41) “Registration form” means Storage Tank Facility Registration Form 62-761.900(2).

(42)(53) “Regulated substance” means a liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), that is a pollutant or a hazardous substance, or any mixture of the two, when stored in a storage tank UST.

(43)(54) “Release” means:

(a) ~~A discharge; or~~

(b) ~~a~~ A loss of regulated substances from a storage tank system into the system’s secondary containment.

(44)(55) “Release detection” means a method of:

(a) ~~Determining whether a discharge of regulated substances has occurred; or~~

(b) ~~d~~ Detecting the presence of regulated substances within a storage tank system’s secondary containment and/or detecting other conditions or situations indicative of a release or discharge.

(56) “Release detection response level” is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.

(Eliminating this well intended but no longer useful RDRL requirement is a good thing!)

(45)(57) “Repair” means to restore or replace any defective or damaged parts of a storage tank system in accordance with Rule 62-761.700, F.A.C. ~~Replacement of a non-defective part is not a repair.~~

(46)(58) “Residential storage tank system” means a storage tank system that services a non-commercial building that is used exclusively as a dwelling unit which means a structure that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies, is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.

(47)(59) “Secondary containment” means a release detection and discharge prevention system that meets the performance requirements standards of paragraph 62-761.500(1)(b), F.A.C., and includes dispenser sumps liners, piping sumps, spill containment systems, the outer wall of double-walled tanks and integral piping, or the liner systems, or single-walled tanks or piping systems that are contained within a liner or an impervious containment area surrounding single-walled tanks or integral piping.

(48)(60) “Sheen” means a regulated substance less than or equal to 0.01 foot in thickness, measured at its thickest point, or visibly observed, floating on surface water, groundwater, or within secondary containment.

(61) “Significant loss or gain” means the sum of losses and gains of a regulated substance over a 30-day or monthly period that exceeds:

(a) ~~For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:~~

1. ~~One percent of the tank capacity; or~~

2. ~~One percent of the total weekly output; or~~

3. ~~Fifty gallons, whichever is greatest; or~~

(b) ~~For tanks with capacities greater than 2000 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:~~

1. ~~One percent of the tank capacity; or~~

2. ~~One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.~~

(62) “Small diameter piping” means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.

(49) “Spill containment system” means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.

(50)(63) “Storage tank system” means a tank used to contain regulated substances, its integral piping, and all its components, including dispensing systems, spill containment systems devices, overfill protection systems devices, secondary containment systems, day tanks, and any associated release detection equipment. A storage tank system is a “storage system” as defined in Chapter 376.301, F.S.

(51)(64) “Suction piping” means piping through which regulated substances flow due to a pump located at the



dispensing system.

~~(52)(65)~~ “Tank” means an enclosed stationary container or structure that is designed or used to store regulated substances, and the volume of which, including the volume of underground piping, is ten percent or more buried beneath the surface of the ground.

(66) “Tightness test” means a test for an underground storage tank or its small diameter piping that is performed in accordance with subparagraphs 62-761.640(3)(f)1. and (4)(b), F.A.C., by a precision tank tester registered with the Department of Business and Professional Regulation under Chapter 489, F.S.

(67) “UST” means an underground storage tank.

(68) “UST Category A system” means a system containing pollutants that was installed on or before June 30, 1992, or a system containing hazardous substances that was installed before January 1, 1991.

(69) “UST Category B system” means a system containing pollutants that was installed after June 30, 1992, or a system containing hazardous substances that was installed on or after January 1, 1991, and before July 13, 1998.

(70) “UST Category C system” means a system that was installed on or after July 13, 1998. USTs that are removed and relocated on or after July 13, 1998 are considered Category C systems.

(71) “Unmaintained” means:

(a) A storage tank system that was not closed in accordance with Department rules; or

(b) An out of service storage tank system that is not returned to in service status within:

1. Two years of its being out of service for USTs; or

2. Ten years of its being out of service for storage tank systems with secondary containment.

(72) “Upgrade” means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single wall corrosion resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.

(xx) “Temporary out-of-service” is a designation of a service status for an underground storage tank system that is emptied solely for the purpose of cleaning, routine maintenance, microbial contamination, a “stop sale” order by DACS, or change of product for a time period exceeding seven days, but less than three months.

(Recommend inclusion of this status. Facility Owners have encountered problems with alternative fuels and bio-fuels, and it provides a convenient way of dealing with temporary down-time to clean tanks or perform routine maintenance without the paperwork or notification that adds costs without benefits. FDEP is protected by the three months limitation.)

(53) “Valid Registration” means that applicable registration requirements that are specified in Rule 62-761.400, F.A.C., have been met for all regulated storage tank systems at a facility.

(67) “Vapor Corrosion Inhibitor” (VCI) means a chemical substance that volatilizes from a liquid or solid through vapor pressure and then moves freely within an enclosed airspace where the molecules preferentially adsorb onto metal surfaces and create a protective layer that inhibits the corrosive action of water, oxygen, acid gas molecules, and other corrosive agents with the metal surfaces.

(Includes vapor-corrosion inhibitor technology)

(73) “Vehicular fuel” means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, 3-8-94, Formerly 17-761.200, Amended 9-30-96, 7-13-98, 6-21-04,_____.

Substantial rewording of Rule 62-761.210, F.A.C., follows. See Florida Administrative Code for present text.

62-761.210 Reference RequirementsStandards.

(1) Referenced requirements are available for inspection at the County Offices, and the Department of Environmental Protection’s District and Tallahassee Offices, and directly from the source.

(2) Titles of documents. References to documents listed in paragraphs 62-761.210(2)(a) through (l), F.A.C.,



below are made throughout this Chapter. Each document or part thereof is adopted and incorporated as a guideline only to the extent that it is specifically referenced in this Chapter. To the extent that the provisions contained in the following reference requirements conflict with this Chapter, the Department's requirements as stated in this Chapter shall control.

(a) American Petroleum Institute (API), 1220 L Street, N.W. Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>.

1. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996;

2. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011;

3. Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996; and

4. Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006.

(b) ASME International (founded as the American Society of Mechanical Engineers), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800) 843-2763, or at <http://www.asme.org/>; Process Piping, B31.3-2004, 2012 Edition.

(c) Florida Department of Environmental Protection (DEP), Division of Waste Management, 2600 Blair Stone Road, MS 4500, Tallahassee, Florida 32399-2400, (850) 245-8839; Storage Tank System Closure Guidelines - Closure Evaluation Guidance, or at www.dep.state.fl.us/ (*effective date of the rule*).

(d) NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, (800) 797-6223, or at <http://www.nace.org/>:

1. Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition; and

2. Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition.

(e) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800) 344-3555, or at www.nfpa.org/:

1. Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition;

2. Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C), 2012 Edition; and

3. Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition.

(f) National Leak Prevention Association (NLPA), Route 2 Box 106A, Falmouth, Kentucky 41040, (702) 832-2260, or at <http://www.nlpa-online.org/>. **National Leak Prevention Association: NLPA Standard 631, "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks," Chapter B, 1991.**

(NLPA Standard 631 was omitted and needs inclusion)

(g) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, (301) 975-NIST (6478), or at <http://www.nist.gov/index.html>.

(h) National Work Group On Leak Detection Evaluations (NWGLDE), <http://www.nwglde.org/>

(This group is not "officially" sanctioned by EPA and its members are volunteers. While very knowledgeable and well-intended, they have no legal standing and there is no appellate options if they disapprove of a leak detection method. Government cut-backs are going to continue to make it difficult for members to attend meetings for this group. DEP should not formally link the rule to this organization, but use the group as a technical resource.)

(i) Petroleum Equipment Institute (PEI), Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/:

1. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition; and

2. Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary



Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition.

(j) Steel Tank Institute (STI), ~~944 Donata Ct, 570 Oakwood Road~~, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steel-tank.com/>:

1. sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013; ~~and~~
2. Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006;:
3. Cathodic Protection Testing Procedures for sti-P3 UST's, STI R051-06, (R051)
4. Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs, STI R972; and,
5. Storage Tank Maintenance STI R111, (R111),
6. Specification for External Corrosion Protection of FRP Composite Steel USTs - ACT-100® F894
7. Specification for External Corrosion Protection of Composite Steel USTs - ACT-100-U® F961
8. Permatank®: Specification for Permatank®, F922, January 2013
9. Standard for Dual Wall Underground Steel Storage Tanks, F841, January, 2006

(These standards are all recommended by the Steel Tank Institute as having relevance with the existing rule and for future installations, and the EPA federal UST regulations reference numerous Steel Tank Institute standards. Many underground steel storage tanks installed in Florida were built to these standards and they remain as useful references. Therefore, they should be included as references)

(k) Underwriters Laboratories Standards (UL), 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/:

1. Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition;
2. Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition;
3. Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition; and
4. External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition.
5. Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems, UL 1856, 2013 Edition.

(Recommend the inclusion for UL 1856 for internal secondary containment.)

(l) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/:

1. Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), Title 40, Part 280, July 2008; Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001; and
2. Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001.

(3) Applicability of Reference Requirements: Unless otherwise specified in this Chapter, facilities installed before *(the effective date of the rule)* are subject to the Reference Requirements listed in the Department's storage tank rules that were in effect at the time of facility construction or operation. Facilities installed after *(the effective date of the rule)* shall comply with this subsection on or after *(the effective date of the rule)*.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Amended 7-13-98, 6-21-04, _____.

62-761.300 Applicability.

(1) General Requirements.:

~~(a) Underground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to



owners and operators of facilities, ~~and owners and operators of~~ underground storage tank UST systems with individual storage tank capacities greater than 110 gallons, that contain or contained regulated substances;

1. ~~Vehicular fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~

2. ~~Pollutants or hazardous substances after December 10, 1990; or~~

3. ~~Regulated substances in unmaintained storage tank systems.~~

(b) ~~This rule is applicable to non-residential facilities. Under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal UST rules (advisory information only not required by this Chapter).~~

(2) Exemptions: The following ~~underground systems~~ are exempt from the requirements of this Chapter:

(a) Any storage tank system storing any hazardous waste listed or identified under Subtitle C of the Resource Conservation and Recovery Act, or a mixture of such hazardous waste and other regulated substances;

(b) Any storage tank system regulated under the Toxic Substances Control Act (15 U.S.C. 2065);

(c) Any pesticide waste degradation system regulated under Chapter 62-660, F.A.C.;

(d) Storage tank systems used solely for temporary storage of mixtures of pesticides and diluent for reapplication as pesticides;

(e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored. ~~“Heating oil” means any petroleum-based fuel used in the operation of heating equipment, boilers, or furnaces;~~

(Recommend leaving it in the definitions section and excluding it here)

(f) ~~Any tank that contains asphalt or asphalt products not containing other regulated substances;~~

(Agree with excluding Asphalt here, but recommend retention in the AST sections)

(g) ~~Any storage tank system storing regulated substances that are solid or gaseous at standard temperature and pressure;~~

~~(h)~~ Any storage tank containing Liquid Petroleum Gas;

~~(g)(i)~~ Any storage tank system that;

1. Contains a regulated substance at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under 40 C.F.R. 302; and

2. Was never previously regulated under Chapter 376.30 through 376.309, F.S. or this Chapter; contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;

~~(h)(i)~~ Any storage tank system that contains wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

~~(i)(k)~~ Any septic tank system;

~~(h)~~ Any stormwater or wastewater collection system, including oil-water separator tanks;

~~(m)~~ Any surface impoundment, pit, pond, or lagoon;

~~(j)(n)~~ Any agricultural storage tank system of 550 gallons capacity or less that is used for agricultural purposes;

~~(k)(o)~~ Any residential storage tank system used solely for residential purposes. However, under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal underground storage tank rules;

~~(l)(p)~~ Any emergency spill or emergency overflow containment storage tank system that is emptied as soon as possible after use, and that routinely remains empty;

~~(q)~~ Any flow-through process tank system. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility;

~~(m)(r)~~ Any storage tank system, liquid trap, or associated gathering lines directly related to oil or gas production and gathering operations regulated by Chapter 377, F.S.; however, this exclusion does not apply to storage tanks that contain refined products;

~~(n)(s)~~ Any ~~e~~Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift or fluid tank systems that hold hydraulic fluid for closed-loop mechanical systems used to operate lifts, elevators, and other similar devices and cooling oil (dielectric fluid) systems used for electrical equipment and electrical equipment tank systems;



~~(o)(t)~~ Any pipeline, piping and “break-out” tanks directly connected to the pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations facilities;

~~(p)(u)~~ Any storage tank system containing radionuclides or that is part of an emergency generator system for nuclear power generation at facilities regulated by the Nuclear Regulatory Commission under 10 C.F.R. Part 50 Appendix A;

~~(q)(v)~~ Any vapor recovery holding tanks and associated vapor recovery piping systems; or

~~(r)~~ Any storage tank system containing biofuel that has a concentration of regulated substance of five percent or less by volume.

~~(w)~~ Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 5 of NFPA 30.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.300, Amended 7-13-98, 6-21-04,_____.

62-761.350 Operator Training and Certification (Reserved for Rulemaking)

62-761.400 Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) A completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the Department no later *than seven days before installation, or no later than 2140* days after installation notification to the County pursuant to Rule 62-761.405, F.A.C. Copies of the Registration Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(The current rule allows Registration 30 days after regulated or hazardous substances are put into any new storage tank system. The proposed rule requires submittal of the Registration Form 10 days after Installation Notification, which is 30 to 45 days before installation. This means an owner may have to submit the registration form 20 to 35 days before installation, a difference of 50 to 65 days before the existing rule. What is the rush? With the new requirements for Operator Training and Delivery Prohibition, it is understandable that the DEP would want registration prior to Operation, but this paperwork takes time for owners to complete. It is recommended that this date be changed to “no later than seven days before installation, or no later than 21 days after installation notification”)

(c) A completed Form 62-761.900(5), Underground Storage Tank System Installation and Removal Form for Certified Contractors (Certified Contractors Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the County no later than 10 days after installation of a storage tank system. Copies of the Certified Contractors Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or, www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(2) For change in service status or closure pursuant to Rule 62-761.800, F.A.C.:

(a) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days after completion of the change in service status.

(b) A completed Certified Contractors Form shall be submitted to the County in paper or electronic format no later than 10 days after removal of a storage tank system.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

(3) Financial responsibility.

(a) Any change in the owner or operator of a facility or of a storage tank system.

(a) General requirements.



1. ~~The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance. Financial responsibility is only required for tanks containing petroleum or petroleum products. Financial responsibility is the ability to pay for corrective action and third-party liability resulting from a discharge at the facility.~~

2. ~~The demonstration of financial responsibility shall be made by the owner or operator in accordance with C.F.R. Title 40, Part 280, Subpart H.~~

3. ~~Financial responsibility requirements for petroleum storage systems containing petroleum products may be supplemented by participation in the Florida Petroleum Liability Restoration and Insurance Program to the extent provided by Section 376.3072, F.S.~~

4. ~~Notwithstanding the owner's or operator's financial responsibility status, the owner or operator may, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.~~

(b) Any change or correction in the information reported in the Registration Form. A change within the same blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);

(b) The minimum requirements for financial responsibility for USTs containing petroleum or petroleum products shall be the same as provided by C.F.R. Title 40, Part 280, Subpart H.

(c) A change from a regulated substance to a non-regulated substance; and

(d) The discovery of an unregistered storage tank system.

(1) General registration requirements.

(a) The owner or operator of any facility, or the owner or operator of a storage tank system shall register the storage tank system with the Department on Form 62-761.900(2).

(b) A completed registration form shall be submitted to the Department no later than 30 days after regulated or hazardous substances are put into any new storage tank system.

(4)(2) Registration fees.

(a) Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all registered storage tank systems required to be registered. Registration fees except for storage tank systems that have been properly closed in accordance with subsection 62-761.800(2), F.A.C., will no longer be due once any outstanding fees have been paid.

(b) A registration fee of \$50.00 per tank or vessel shall be submitted for each initial registration of a storage tank system. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(c) A renewal fee of \$25.00 per tank shall be paid to the Department for each storage tank system not meeting the closure requirements of subsection 62-761.800(2), F.A.C. by July 1 each year.

(d) A replacement fee of \$25.00 per tank shall be paid to the Department for each tank that is replaced for the purpose of facility upgrading, within 30 days after receipt of an invoice by the Department.

(e) A late fee of \$20.00 per tank shall be paid to the Department for any renewal that is received after July 31.

(f) Upon receipt of payment of all applicable initial registration fees and annual renewal fees, each facility shall receive a valid registration placard, pursuant to Section 376.3077, F.S. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the storage tank system is located. Posted on the Department website will be information regarding those motor fuel facilities who have not timely paid their registration fees. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the tank is located.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-761.400(4)(f), F.A.C., no motor fuel may be deposited into a storage tank required to be registered pursuant to this Rule. Facility owners, operators and suppliers are each responsible for compliance with this provision.

(6) Revocation of Registration Placard. (Reserved for Rulemaking)

(7) Delivery prohibitions. (Reserved for Rulemaking)

Rulemaking Specific Authority 376.303, 376.322(2) FS. Law Implemented 376.303, 376.309, 376.323, 376.3077 FS. History—New 12-10-90, Formerly 17-761.400, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.405 Notification.

(1) For Installations:



(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction will begin.

(b) Notification shall be received by the County in writing or electronic format between 30 and 45 days before installation of a storage tank system or system component unless the County agrees to a shorter time period.

(c) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the installation work to confirm the date and time of the scheduled activities.

(2) For change in service status closure, or closure evaluation:

(a) Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period.

(b) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the initiation of the work to confirm the date and time of the scheduled activities.

(3) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 72 hours; however an INF need not be submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-761.430, F.A.C., confirms that a discharge did or did not occur. Copies of the INF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(4) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 24 hours **or before the close of the next business day**. Copies of the DRF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(Retains the existing language)

(5) Notification is not required for Temporary Out-of-Service status, or for minor repairs to dispensers, submersible turbine pumps, sumps, or other storage tank system equipment.

(Clarifies that minor repair work and TOS requires no notification)

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.450, 62-761.450, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.420 Financial Responsibility.

(1) Financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum or petroleum product at the facility.

(2) The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department for all storage tank systems until they are properly closed. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance.

(3) The demonstration of financial responsibility for storage tank systems shall be made available for inspection by the Department or the County and shall be in accordance with Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST) – Financial Responsibility, Title 40, Part 280, Subpart H, July 2008, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and is available from the address given.

(Why was sub-paragraph (4) included in the AST rule and excluded in the UST rule?)

(4) Notwithstanding the owner's or operator's financial responsibility status, the owner and operator shall, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.



Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.309 FS. History-New

62-761.430 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rule 62-761.600, F.A.C.:

1. Any visual inspection of **any part of** a storage tank system, **dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances** that reveals **pitting corrosion with more than a fifty percent loss of its original design thickness, or cracking, splitting, blistering, delamination, softening** ~~signs of corrosion, cracks,~~ structural damage, leakage, or other similar problems **with fiberglass, steel, polyethylene, or any other materials of construction for equipment registered in accordance with Rule 62-761.850(2), F.A.C.:**

(Cracks are usually seen within FRP and Polyethylene storage tank systems. What about incompatible issues, such as blistering, linings that are no longer adhering, or delamination? The proposed language in red will minimize potential inspector interpretation or judgment issues that have been a problem in the past, e.g. surficial rust on submersible turbine pumps, electrical conduits, piping sump hardware, or minor surficial rust on piping in sumps. This will allow the Department to focus on problems that are truly incidents.)

2. Any visual observation of regulated substances in a piping or dispenser sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained, or that liquid **other than de minimus levels of condensate** has been detected by a sensor in a normally dry interstice;

(Recognizes the inevitable presence of small amounts of condensate without missing a true incident)

4. Any visual observation that indicates that liquid monitoring levels are not being maintained;

5. Any vacuum or pressure change of **50% ~~10%~~** from one month to the next, or any cumulative change of vacuum or pressure exceeding **50% ~~10%~~** of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge;

(Recognizes real-world problems with fluctuations in vacuum and pressure without sacrificing environmental protection. I've seen significant changes from atmospheric pressure, the weight of the product in the tank, and daily temperature variations that affect vacuum and pressure gauges. If there is a leak at all, you will not be able to hold any vacuum, and the 50% level is a reasonable threshold. Also, having to refresh the vacuum at 50% is more cost effective)

6. Any visual inspection that indicates the presence of water **other than de minimus levels of condensate** and/or regulated substances in the interstice;

(Recognizes the inevitable presence of small amounts of condensate)

7. Any instance where a mechanical line leak detector is restricting flow;

8. Any instance where an electronic line leak detector has shut off power to the pump;

9. Any instance where a monitoring device has shut off the pump; and

10. Liquid in excess of one inch in an out-of-service storage tank.

(b) A failed integrity test for the following components:

1. Double-walled storage tanks;

2. Double-walled integral piping;

3. Piping sumps;

4. Dispenser sumps; and



5. Spill containment systems.

(c) Other unusual operating conditions, such as the erratic behavior of product dispensing equipment, the sudden loss of product from a storage tank system, or any unexplained presence of water in a tank or an interstitial space;

(d) The presence of odors of a regulated substance from surface water or groundwater, soil, basements, sewers and utility lines at a facility; and

(e) The loss of a regulated substance from a storage tank system, such as from an overflow, exceeding 25 gallons on impervious surfaces, other than secondary containment, provided that the loss does not come in contact with pervious surfaces.

(2) If an incident occurs at a facility, actions shall be taken within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

(3) Notification of the discovery of any incident shall be made to the County in writing or electronic format on an INF within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

(4) In cases where an INF is required to be submitted, the investigation shall be completed within 14 days of the date of discovery of the incident to determine if a discharge has occurred. Incident investigations that require additional time can be extended with the written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period, or at the end of the alternate time period approved by the Department or the County to investigate the incident, either a DRF or a written confirmation and explanation that the incident was not a discharge shall be submitted to the County in writing or electronic format.

(6) The removal of any spill or loss of regulated substance into secondary containment shall be initiated within three days of discovery, and completed within thirty days of discovery.

(7) If a discharge is discovered at any time during the incident investigation, the discharge shall be reported on a DRF within 24 hours of discovery or before the close of the next business day, and a discharge response shall be initiated in accordance with subsection 62-761.440(6), F.A.C.

(8) All incidents, regardless of whether an INF is required to be submitted, shall be documented and records kept until storage tank system closure in accordance with Rule 62-761.710, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New

62-761.440 Discharges.

(1) Discharges include:

(a) Laboratory analytical results of surface water or groundwater samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C.;

(b) Laboratory analytical results of soil samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C. that exceed the lower of direct exposure residential or leachability based on groundwater criteria cleanup target levels in Chapter 62-777, F.A.C.;

(c) The presence of free product, a visible sheen, sludge, or emulsion of a regulated substance, or a regulated substance that is visibly observed in soil, on or in surface water, in groundwater samples, on basement floors, in open drainage ditches, in open excavations or trenches, in subsurface utility conduits or vaults, or in sewer lines at the facility; and

(d) A spill or overflow of a regulated substance to a pervious surface.

(2) Upon discovery of a discharge, the owner or operator shall report the discharge to the County on a DRF within 24 hours or before the close of the County's next business day.

(3) Copies of laboratory analytical results that confirm a discharge shall be submitted to the County within 24 hours of receipt of the results or before the close of the next business day in writing or electronic format.

(4) A request for a retraction of a submitted DRF shall be submitted to the County or the Department in writing or electronic format if evidence is presented that a discharge did not occur at the facility.

(5) A DRF does not need to be submitted:

(a) For a discharge that was previously reported to the appropriate County on a DRF;

(b) For petroleum or petroleum product de minimis discharges in accordance with Rule 62-780.560, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in the following document which



is hereby adopted and incorporated by reference, and is available from the address given: Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001; or

(c) For ~~non-petroleum~~ ~~nonpetroleum~~ de minimis discharges in accordance with Rule 62-780.550, F.A.C., unless the pollutant has a more stringent reporting requirement specified in Title 40, Part 302.

(Typo)

(6) Discharge response.

(a) When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:

1. Fire, explosion, and vapor hazards shall be identified and mitigated;
2. Actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (e.g., Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with Chapter 62-780, F.A.C.;
3. Each component of the storage tank system shall be integrity tested within three days of discovery of the discharge if the source and/or cause of the discharge is unknown;
4. The storage tank system component that is discharging shall be isolated from the system within three days of discovery of the discharge. If the component cannot be isolated from the system, within three days of discovery of the discharge the storage tank system shall not operate, dispense, or accept deliveries, or shall be placed out-of-service in accordance with Rule 62-761.800, F.A.C., until the component can be repaired or replaced;
5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-761.700, F.A.C.;
6. If the storage tank system component that was found to be discharging will be replaced, it shall meet the storage tank system requirements in accordance with Rule 62-761.500, F.A.C.; and
7. If the storage tank system component that was found to be discharging will not be repaired or replaced, the storage tank system, if not already out-of-service, shall be placed out-of-service within 90 days or be closed in accordance with Rule 62-761.800, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New _____.

62-761.450 Notification and Reporting.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.450, Amended 9-30-96, 7-13-98, 6-21-04., Repealed _____.

Substantial rewording of Rule 62-761.500, F.A.C., follows. See Florida Administrative Code for present text.

62-761.500 Performance Standards for Category C Storage Tank Systems Requirements.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substance and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.



3. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

(Includes vapor-corrosion inhibitor technology)

3. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

4. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, hydrant sumps, and dispenser sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

- a. Twenty-four hours for field-fabricated components; or
- b. Three hours for factory-made components.

5. An interstitial integrity test shall be performed on the storage tank after it is delivered to the **or installed at the** facility and before the storage tank is placed into service. This test shall be performed in accordance **with manufacturer's requirements and** with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition, Petroleum Equipment Institute (PEI), Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, and Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380.

(Clarification)

6. An interstitial integrity test shall be performed on integral piping in accordance with PEI/RP100-11 and PEI/RP1200-12 before the integral piping is placed into service.

7. An interstitial integrity test shall be performed on double-walled spill buckets or double-walled sumps in accordance with PEI/RP1200-12 before the component is placed into service.

(Note – double-wall spill buckets or piping sumps are not required by rule or statute. However, if an owner chooses to install a double-wall spill bucket or piping sump, it makes sense to perform a test at installation, but not at any other time.)

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-761.210(2)(d), F.A.C. Cathodic protection test stations shall provide direct access to the soil in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-761.700(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

4. Cathodic protection is not required for any underground storage tanks with field-fabricated internal secondary containment that is self-structural without any structural support from the host tank.

(Internal secondary containment systems that are self-structural are dependent on a steel tank host and will not require cathodic protection)

5. Supplemental anodes that are added to a sti-P3 tank can be installed according to STI R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs .



(Correct reference)

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies registered with the Department in accordance with Rule 62-762.851(2), F.A.C. provide an alternative to cathodic protection for protection of metal surfaces within secondary containment. Vapor corrosion inhibitors (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates. Electrical resistance (ER) probes must be able to determine corrosion rates based on the increase in electrical resistance over time of a metal element on the probe surface where the metal loss in the element's cross-sectional area from corrosion will be accompanied by a proportional increase in the element's electrical resistance. If electrical resistance probes cannot be incorporated into the VCI protection system, then an alternate method as recommended by a Corrosion Professional shall be used.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.701(3), F.A.C.

(Language needed to allow the use of corrosion protection systems previously approved by the Department that are equivalent to cathodic protection systems for USTs)

(d) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with the regulated substances stored in the storage tank systems.

(e) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(f) All storage tank systems shall be installed in accordance with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070.; Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Process Piping, B31.3-2004, 2012 Edition, ASME International (founded as the American Society of Mechanical Engineers), Published by ASME, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900; and PEI/RP100-11. **Storage tanks with field-fabricated internal secondary containment shall be installed in accordance with manufacturer's specifications, UL 1856, and NLPA 631.**

(The rule needs to include the reference standards associated with internal secondary containment)

(g) A Certified Contractor shall perform the installation of storage tank systems containing pollutants, including tanks, integral piping (excluding drop tubes), overfill protection and spill containment equipment, internal release detection equipment, cathodic protection systems, secondary containment systems, and dispensing systems, if the installation of the storage tank system component disturbs the backfill, or where the integral piping is connected or disconnected during installation.

(h) Whenever storage tanks and/or integral piping are installed, modified or relocated after the effective date of this rule, Record Drawings ("as-builts"), signed and sealed by a professional engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-761.710, F.A.C. The as-built drawing shall include all construction and equipment design specifications including exact dimensions, geometry, and locations of the storage tanks and/or integral piping, of the work completed under contract, and any changes made to the original specifications during the construction process. **As-built drawings are not required for**



tanks that are installed or retrofitted with internal secondary containment.

(Note – the requirement for “As-builts” only makes sense for UST systems, but it will add an additional cost. The increase in costs should be quantified before the passage of the rule to determine if there is a significant environmental benefit for the extra cost. Also, tanks with internal secondary containment using the Phoenix, ZCL, Petrofuse, or Tank Tech Stand-Alone systems do not need to supply as-builts.)

(2) Storage Tanks.

(a) All storage tanks at a facility shall have secondary containment and shall be constructed or installed to provide for interstitial monitoring of the entire storage tank.

(b) Fiberglass reinforced plastic double-walled tanks shall be constructed in accordance with the following document, Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition, Underwriter’s Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference and available at the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(c) Cathodically protected double-walled steel tanks shall be:

1. Constructed in accordance with the following documents, or as applicable: Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition, Underwriter’s Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, and External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition, Underwriter’s Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and are available from the addresses given;

2. Constructed in accordance with the following document, sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and is available from the address given; or

3. Constructed in accordance with the following document, STI R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and is available from the address given; or

(This RP fulfills the requirements of c.3 specifically for the STI sti-P3 cathodic protected tank)

3. Certified by a Nationally Recognized Testing Laboratory for any field-installed cathodic protection system, that these requirements are met, constructed and designed by a Corrosion Professional in accordance with the following document, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference, and is available from the address given.

(d) Double-walled steel tanks coated with a fiberglass reinforced plastic composite shall be constructed in accordance with UL 58 and UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(e) Jacketed steel tanks shall be constructed in accordance with UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(Paragraph (d) precludes the use of jacketed tanks. These are steel tanks with an outer non-metallic tank that provides both corrosion protection and secondary containment. These tanks are built to UL 1746 and should be included as a new paragraph (e).)

(f) Underground storage tanks with field-fabricated internal secondary containment shall be:

1. Installed in accordance with manufacturer’s specifications and NLPA 631 and UL 1856;



2. Either be a self-structural design that has no structural contribution from the host tank, or a co-structural design that has shared structural support from the host tank with the retrofit system; and
3. Must be registered in accordance with Rule 62-762.850(2), F.A.C.

(Internal secondary containment has been around a long time in Florida and should be listed in the rules as a viable option for secondary containment)

(e) Double-walled storage tanks that meet the above performance requirements, that are constructed of equivalent material, have an equivalent design, or are corrosion protected shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.

(f) Tanks shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(g) Double-walled storage tanks that have been removed and that are to be reinstalled at a different location shall:

1. Be recertified that all original warranties are confirmed by the original manufacturer or the manufacturer's successor, and be reinstalled in accordance with the requirements in this section; or

2. Be recertified by a professional engineer licensed in the state of Florida that the storage tank meets all applicable requirements of this section; and

3. Proof of recertification shall be provided to the Department and County prior to the start of installation. The storage tank shall be re-registered in accordance with subsection 62-761.400(1), F.A.C.

(3) Integral piping.

(a) All integral piping, including remote fill piping that is in contact with the soil shall have secondary containment; or

(b) All integral piping that transports regulated substances over surface waters of the state shall have secondary containment and shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials; or

(c) All integral piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-761.500(3)(d)2. through 4., F.A.C., shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials.

(d) Construction requirements.

1. Fiberglass reinforced plastic integral piping or other non-metallic double-walled integral piping installed in contact with the soil at a facility shall meet the requirements of Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and is available from the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-761.850(2), F.A.C.

2. Coated steel double-walled integral piping shall be constructed in accordance with ASME B31.3. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906; and Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and available from the addresses given.

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, Piping Systems.

4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.

(e) Integral piping shall be installed with a slope to a low point monitoring system to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(f) Pressurized integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, Requirements for Dispensing Devices.



These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-12 at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.

(g) All storage tanks located at an elevation that produces a gravity head on the dispenser or on integral piping positioned below the product level in the storage tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, Tank Openings Other Than Vents, and located as close as practical to the storage tank. In addition, anti-siphon valves for suction and pressurized systems with dispensers that are subject to NFPA 30A, shall be installed and maintained in accordance with Section 11.2 of NFPA 30A, Marine Fueling - Storage. Storage tank systems without dispensers shall be installed with valves that will prevent the tanks from emptying if there is a leak or break in the integral piping.

(h) Pressurized integral piping systems connected to dispensers shall be installed with a method of leak detection that can detect a leak within one hour, and can be either a mechanical line-leak detector or an electronic line leak detector, or another device registered in accordance with Rule 62-761.850(2)F.A.C.

(Ought to be in this section as well as Section 600 to make it clear to owners and operators)

(i) Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with Rule 62-762.851(2), F.A.C. shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe test location or a method of monitoring to allow for a determination of the corrosion rate within the interstitial space or metallic surface within a contained area. The VCI system shall be designed and installed in accordance with the requirements specified in Rule 62-762.701(2), F.A.C.

(Allows the use of VCI's for interstitial corrosion protection)

(4) Spill containment systems.

(a) Storage tank systems shall be installed with a spill containment system at each tank fill connection meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C..

(b) Fillbox covers shall be marked or the fill connection tagged in accordance with Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference, and is available from the address given, or with an equivalent method approved by the Department in accordance with subsection 62-761.850(1), F.A.C.

(c) Spill containment systems, ~~including double-walled spill containment systems~~, shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C. **Double-wall spill containment systems are not required to perform interstitial integrity tests or monthly interstitial monitoring observations, and are considered single-wall spill buckets for the purpose of this rule.**

(Note – double-wall spill buckets are not required by rule or statute. If an owner chooses to purchase double-wall spill containment, it makes sense to perform a test at installation in accordance with manufacturers specifications, but owners should not be punished with extra costs if they have double-wall spill buckets. DEP should not require monthly interstitial monitoring or interstitial B.O.I.'s after installation unless an owner chooses to perform one instead of a hydrostatic test of the primary.)

(5) Dispensing systems and dispenser sumps.

(a) The dispensing system used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30 and Chapter 6, Fuel Dispensing Systems; Chapter 9, Operational Requirements; and Chapter 11, Marine Fueling of NFPA 30A.



(b) Dispensers shall be installed with a dispenser sump meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C. The dispenser sump shall extend beneath the union of the integral piping and the dispenser, including the shear valve, if applicable.

(c) Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(6) Piping sumps.

(a) Piping sumps shall meet the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and be registered in accordance with subsection 62-761.850(2), F.A.C. The sumps shall be designed, constructed, and installed to minimize water entering the sump.

(b) Piping sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(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.

(b) Storage tank systems shall be equipped with an overfill device that:

1. Automatically shuts off flow to the storage tank when the storage tank is no more than 95% full;
2. Restricts flow to the storage tank when the storage tank is no more than 90% full and does not fill the storage tank beyond 95% capacity. Vent restriction devices such as ball float valves shall not be installed at facilities after *(the effective date of the rule)* unless the storage tank system meets the requirements of Section 7 of PEI/RP 100-11, UST Overfill Equipment Verification, Inspection and Testing; or
3. Alerts the transfer operator when the tank is no more than 90% full by triggering an alarm and does not fill the tank beyond 95% capacity.

(c) Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.

(d) Storage tank systems with capacities of 2000 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% capacity.

(e) Overfill devices shall be registered in accordance with subsection 62-761.850(2), F.A.C.

(f) New day tanks shall be installed with an overfill protection system that returns the regulated substance to the storage tank from the day tank through separate integral piping.

(g) All new float control valves installed on day tanks and all overfill alarms on storage tanks shall be tested annually at intervals not exceeding 12 months to demonstrate the float control valve or alarm is operating as designed. These records shall be kept for five years in accordance with Rule 62-761.710, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.500, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.510 Performance Standards for Category-A and Category-B Storage Tank Systems

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303-.3072 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.510, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.600 Release Detection Requirements Standards.

(1) General requirements.

(a) Storage tank systems shall have a method, or combination of methods, of release detection that:

1. Can detect a new release from any portion of the storage tank system;

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-761.800(2), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring.

Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, and visual release detection methods.

(Clarification)



2. Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability to ensure that the device is functioning as designed; and

3. Meets the applicable performance standards in Rule 62-761.640, F.A.C. All manufacturer's instructions, and the performance claims and their manner of determination described in writing by the equipment manufacturer or installer shall be retained for as long as the storage tank system is used.

(b) A release detection response level shall be described in writing for each method or combination of methods of release detection used for a storage tank system.

(c) A release detection method shall be established and provided for all storage tank systems upon installation.

(d) Except as otherwise specified in this Rule Rules 62-761.600-.640, F.A.C., the release detection method or combination of methods used at a facility shall be performed at least once ~~every~~ a calendar month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. Any ~~Every~~ component of a storage tank system **that contains, transfers, or stores, or is designed to contain, transfer, or store pollutants** that can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-761.710, F.A.C. Any visual inspection of **any component** a storage tank ~~system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances~~ that reveals **pitting corrosion with more than a fifty percent loss of its original design thickness, or cracking, splitting, blistering, delamination, softening signs of corrosion, cracks,** structural damage, leakage, or other similar problems **with fiberglass, steel, polyethylene, or any other materials of construction for equipment registered in accordance with Rule 62-761.850(2), F.A.C.** is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. Repairs shall be made in accordance with Rule 62-761.700, F.A.C. A **monthly** visual inspection is not required for any system component using an electronic release detection method, **but piping sumps must be visually inspected every six months and records kept of the visual inspection.** At least once a month, but not exceeding 35 days, any storage tank and component of a storage tank that can be inspected visually shall be visually inspected in accordance with paragraph 62-761.640(2)(e), F.A.C. A visual inspection is not required for any system component that has a continuous or monthly electronic release detection sensor. Continuous electronic leak detection devices shall be inspected for proper operation on a monthly basis. Inspection may consist of visual observation or remote verification of proper operation.

(Same language as used in the INF section, and will ensure that only bonafide incidents will be reported, and that minor ethanol-induced corrosion will not be included. The proposal for semi-annual visual inspections of piping sumps is a safeguard for faulty sensors)

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-761.700(3), F.A.C.; and

2. Registered in accordance with subsection 62-761.850(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered. A site suitability determination shall be performed for UST systems by December 31, 1998, in accordance with paragraphs 62-761.640(2)(a)-(d), F.A.C., for storage tank systems using groundwater or vapor monitoring wells for release detection. If the site suitability determination indicates that on-site conditions are unsuitable for external monitoring, another method of release detection must be used.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to potential releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results. Vapor monitoring plans shall be performed by December 31, 1998, for UST systems, in accordance with paragraph 62-761.640(2)(d), F.A.C., for storage tank systems using vapor monitoring for release detection.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable. Any component of a storage tank system with secondary containment shall have an interstitial monitoring method meeting the requirements of paragraph 62-761.640(3)(a), F.A.C.

(i) Storage tank systems that store fuel solely for use by emergency power generators shall comply with the



release detection requirements of Rule 62-761.600, F.A.C., within 90 days of the effective date of the Rule. Pressurized piping, excluding bulk product piping, shall be equipped with a line leak detector that meets the standards of paragraph 62-761.640(4)(a), F.A.C. Gravity piping systems are exempt from this requirement.

(2) Storage Tanks.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels can not be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response, *and except for liquids confirmed as de minimus amounts of condensate, the* ~~The~~ positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Recognizes the common reality of small amounts of interstitial condensate)

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Vacuum or pressure readings shall be able to detect a ~~50~~ 40% change from one month to the next, or any cumulative change of vacuum or pressure exceeding ~~50~~ 20% of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-761.850(2), F.A.C. Any change indicated above is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Release detection with gauges for USTs with double-walls, as well as associated integral piping, is often difficult because of variable influences and factors such as temperature, humidity and water in the piping sump, atmospheric pressure, and piping runs that go above and below ground. Small changes in vacuum and pressure are inevitable, and the 50% proposal will assist with the range of fluctuations that can occur. If there is a hole or breach in the system, it will not be able to hold ANY vacuum).



b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water and/or regulated substances in the interstice **other than deminimus levels of condensate** is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Recognizes the inevitable presence of small amounts of condensate)

8. Visual monitoring of liners. This method shall be able to detect the presence of liquid at a low point of the liner. The accumulation of water or condensation in the low point of the liner shall not interfere with the ability to detect regulated substances. Any **evidence of petroleum-stained containment surfaces, free product, or leaking of regulated substances from any part of a storage tank system secondary containment presence-of-regulated-substances** in the liner is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(If left unchanged, the "any presence" requirement could be interpreted by inspectors as a slight sheen from a couple of drops of fuel released when a fuel filter was changed. It would create incidents at nearly every facility in Florida)

(3) Integral piping with secondary containment.

(a) One or more of the release detection methods in subsection 62-761.600(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter 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. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and restrict flow within one hour. Any instance where the mechanical line leak detector is restricting flow is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. **Monthly release detection printed tapes from automatic tank gauges for electronic line leak detectors are not required to be kept as records to demonstrate compliance. However, if electronic or printed data from an electronic line leak detector indicates a potential incident has occurred, the printed data must be kept as a record and the incident investigated in accordance with Rule 62-761.430, F.A.C.**

(Makes it clear that owners and operators of electronic line leak detectors are not punished for having a more effective and environmentally friendly method of piping release detection than owners with mechanical line-leak detectors that are not as effective.)

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of ten gallons within one hour and shutting off the pump. Any instance where the monitoring device has shut off the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(4) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing

Laboratory.

(5) Records shall be kept for **threefive** years in accordance with Rule 62-761.710, F.A.C.

(Recordkeeping for three years correlates to the Departments inspection frequency and is less of a burden for facility owners)

(j) Any storage tank system not provided with a method, or combination of methods, of release detection in accordance with this section, shall be closed in accordance with subsection 62-761.800(2), F.A.C., by the date upon which release detection is to be provided.

(k) Groundwater and vapor monitoring wells meeting the standards for external monitoring specified in paragraphs 62-761.640(2)(a)-(d), F.A.C., that are no longer used for release detection, shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 2010. Wells not meeting these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are:

1. Used for contamination assessment purposes as specified in paragraph 62-761.600(2)(d), F.A.C.; or
2. Required by rules adopted by a County government in accordance with Section 376.317, F.S.

(2) By December 10, 1990, vehicular fuel petroleum storage tank systems of greater than 550 gallon capacity shall be provided with release detection. Release detection for all other storage tank and integral piping systems in contact with the soil shall be provided by December 31 of the year shown in Table RD.

TABLE RD

Year Storage

Tank System

Installed

Before 1970 or

unknown

1970-1974

1975-1979

1980-1990

Year Release

1990

P/RD

P

P

P

Detection Required

1991

RD

1992

RD

1993

RD

P = Installation of Release Detection for Pressurized Piping

RD = Installation of Release Detection for Tanks and Suction Piping.

(3) Effective December 31 of the applicable year specified under the schedule in Table RD, any groundwater monitoring plan or spill prevention control and countermeasure plan implemented before December 22, 1990, shall be capable of detecting the leak rate or quantity specified in paragraph 62-761.640(1)(a), F.A.C.

(4) UST systems that store fuel solely for use by emergency power generators are not required to comply with the release detection standards of Rules 62-761.600 through 62-761.640, F.A.C.

(5) Monitoring wells shall meet the standards of subsection 62-761.640(2), F.A.C., by December 31, 1998. Wells that do not meet these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are required by a rule that was adopted by a County government in accordance with Section 376.317, F.S. However, if a monitoring well is used solely for the purpose of monitoring petroleum contamination in accordance with Chapter 62-770, F.A.C., the well does not have to be closed until the completion of the site rehabilitation pursuant to Chapter 62-770, F.A.C. Covers of leak detection monitoring wells redesignated as site assessment wells by the facility owner or operator shall be colored black with a white circle within the black background. The diameter of the white circle shall be approximately one half the diameter of the manhole cover, or approximately four inches.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History—New 12-10-90, Formerly 17-761.600, Amended 7-13-98, 6-21-04, _____.

62-761.610 Release Detection Methods

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.610, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.640 Performance Standards for Release Detection Methods



Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.640, Amended 9-30-96, 7-13-98, 6-21-04, Repealed.

Substantial rewording of Rule 62-761.700, F.A.C., follows. See Florida Administrative Code for present text.

62-761.700 Repairs, Operation and Maintenance of Storage Tank Systems.

(1) Repairs.

(a) Repairs shall be performed, as necessary, if any component of a storage tank system has:

1. A release or contributed to a release of a regulated substance; or

2. **Other than de minimus levels of condensate, an** operational or structural problem that could potentially result in a release, or lead to the presence of water in the interstice of a double-walled storage tank or integral piping.

(b) The storage tank system shall immediately cease operating, dispensing, and/or accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and

2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shut down of electrical generating units serviced by the storage tank system.

(c) Repairs shall be made:

1. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure or corrosion for the remaining operational life of the storage tank system; and

2. In accordance with manufacturer's specifications and applicable reference requirements.

(d) **If repairs are needed for any primary or secondary tank or piping system walls, or any component of the storage tank system with an interstitial space, then the repaired** ~~Repaired~~ components shall be integrity tested for liquid tightness before being placed back into operation.

(This proposed revision in red limits the integrity testing to the primary and secondary spaces for underground storage tanks and will minimize inspector misinterpretation)

(2) Cathodic **and Corrosion** protection.

(a) Cathodic **and Corrosion** protection systems shall be operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil **or within interstitial spaces using vapor corrosion inhibitor technologies**.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory-installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in NACE International Standards SP0169-2007 and SP0285-2011, **or STI R051-06 Cathodic Protection Testing Procedures for sti-P3 UST's (R051)**, as applicable. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

(Recommend adding STI R051 as an additional test method for testing sti-P3 tanks. Steel Tank Institute has performed over 100,000 tests on sti-3 tanks. STI was instrumental in revising NACE tank cathodic protection testing procedures for underground storage tanks, especially tanks with galvanic anodes. The STI R051 needs to be referenced.)

2. Storage tank systems with impressed current systems shall be inspected at intervals not exceeding two months. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 1440 hours in one year shall be immediately taken out-of-service and within 30 days, and assessed by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria.

(c) Records of the continuous operation of impressed current systems and all cathodic protection inspection,



testing, and repair activities shall be maintained in accordance with paragraph 62-761.710(3)(c), F.A.C.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1. Be repaired within ~~90~~30 days in accordance with subparagraph 62-761.700(2)(b)1., F.A.C., or
2. Be closed in accordance with subsection 62-761.800(2), F.A.C.

(A corrosion professional generally doesn't review test reports. A cp tester alone will test and pass/fail a system. 30 days is not adequate time to have a system repaired. 90 days is more appropriate.)

(3) Vapor Corrosion Inhibitors

(a) Vapor Corrosion Inhibitor systems shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks and piping. Vapor Corrosion Inhibitors can also be used for corrosion control for the ullage of USTs or other enclosed spaces.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year thereafter. All VCI protection systems shall have permanent test stations with at least one electrical resistance probe to measure corrosion rates, or a method of monitoring to allow for a determination of VCI effectiveness and to monitor current operating status of the VCI protection system.. If the data from the electrical resistance probes or from an alternate method or source of data evaluated by a Corrosion Professional indicate that the vapor corrosion inhibitors have been depleted and can no longer provide the design capacity to protect the targeted metallic surfaces for the designed time period, the Corrosion Professional shall direct the replenishment or replacement of the depleted vapor corrosion inhibitors with a new quantity of vapor corrosion inhibitors.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturers instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days in and be retested within 90 days from the date of replenishment; or
2. Be closed in accordance with subsection 62-762.801(2), F.A.C.

(All proposed revisions in this sub-section are intended to provide the option of using vapor corrosion inhibitor technologies that perform a similar function to cathodic protection by using a different approved technology. For USTs, VCI's can be used in piping sumps, metallic interstitial spaces, and the ullage of metallic double-wall USTs)

(3) Operation and maintenance.

(a) Integrity testing.

1. The integrity of ~~the~~ secondary containment ~~systems~~ and interstitial spaces ~~of small diameter piping installed after the effective date of the rule~~ shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications or PEI/RP1200-12. ~~The integrity of containment sumps with capacities less than 500 gallons that are installed after the effective date of the rule shall be verified by performing a containment integrity test. Small diameter piping installed after the effective date of the rule~~ Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed by January 1, 2020, and every five years thereafter. The interstitial spaces of double-wall underground tanks and single ~~in accordance with the following schedule:~~

~~a. Double-walled storage tanks shall be tested by January 1, 2015, and every five years thereafter;~~



- ~~b. The interstice of double-walled integral piping by January 1, 2015, and every five years thereafter;~~
- ~~c. Below grade piping sumps by January 1, 2015, and every five years thereafter;~~
- ~~d. Below grade dispenser sumps by January 1, 2015, and every five years thereafter;~~
- ~~e. Double-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter;~~
- ~~f. Single-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter; and~~
- ~~g. Single-walled storage tanks or integral piping installed within liners are exempt from this requirement.~~

(This requirement is an example of making a problem out of something that is not a problem. Breach of Integrity testing has limited value on USTs because it often induces leaks and damages storage tank systems. B.O.I. tests create a great additional risk for regulatory-induced discharges. Double-wall underground tanks and piping usually have very small interstitial spaces that are very susceptible to damage from over pressure or vacuum. Additionally, these systems are not designed to have periodic interstitial integrity tests, and the depth or presence of groundwater is not always factored in to the testing parameters by the B.O.I testing company. If an area has a high ground water table, the added weight of the water over the tank could and has caused the failure of the interstitial space if the additional pressure is not accounted for. It is recommended that integrity testing be performed only at the time of installation for small diameter piping and system containment components installed after the effective date of the rule, and that the facility rely on the presence of liquids in the interstice for release detection. This change would enable manufacturers to properly design for the testing of the piping. Given the FDEP Leak Autopsy study data that shows piping as a significant risk and problem for releases, it makes sense to limit B.O.I.'s to piping and not include USTs. There is no cost-benefit to this onerous requirement, and the risk of causing new leaks is not worth the requirement for breach of integrity testing. Also, the Department has no data showing that double-wall USTs are failing (except perhaps for after a B.O.I.)

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level four inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket. The secondary containment system shall be deemed tight if the water level remains stationary for a three hour period.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(b) Water removal.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, **or water levels above the lowest side-wall penetration of a below-ground containment sump,** or any regulated substance collected in secondary containment, spill containment systems, or in piping sumps and dispenser sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

(This addition confirms inspector policy of ignoring any water in a sump that does not adversely affect the ability of the release detection to work.)

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 3-12-91, Formerly 17-761.700, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.710 Recordkeeping.

(1) All records shall be dated, maintained in permanent form, and available for inspection by the Department or County. If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon five working days of the Department's request notice. ~~Site access to the facility shall be provided for~~



compliance inspections conducted at reasonable times.

- (2) Records of the following are required to be kept for ~~three~~**five** two years:

(Three years synchronizes with the three year inspection schedule of the Department and the Energy Act of 2005)

- (a) Measurements and reconciliations of inventory, as applicable;
- (b) Repair, operation, and maintenance records;
- (b)(c) ~~All~~ Release detection results, including electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraph 62-761.600(1)(e) 62-761.640(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;
- (c)(d) All test data and results gathered during annual operability tests and integrity tests Release detection response level descriptions; and
- (d)(e) A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-761.850, F.A.C.;
- (f) ~~Certification of Financial Responsibility on Form 62-761.900(3);~~
- (g) Records of the types of fuels stored per tank,; and
- (h) ~~The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.~~

(3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:

- (a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment Results of internal inspections and non-destructive testing;
- (b) Any performance claims for release detection equipment described in writing by the equipment manufacturer or installer;
- (c) Records of storage tank system installations, replacements, recertifications, and upgrades;
- (c)(d) Records of installation, maintenance, inspections, and testing of cathodic protection systems in accordance with NACE standards;

(d) Records of installation, maintenance, inspections, and testing of vapor corrosion inhibitor protection systems in accordance with Corrosion Professional recommendations;

(Includes requirements needed to demonstrate the effectiveness of the corrosion control provided by the vci technology)

- (d)(e) Record drawings ("as-builts") as specified in paragraph 62-761.500(1)(h), F.A.C. Site suitability determinations in accordance with subsection 62-761.640(2), F.A.C.;
- (e)(f) A copy of all INFs, and the results of all incident investigations as specified in Rule 62-761.430, F.A.C. Vapor monitoring plans and all records kept pursuant to the plan;
- (f)(g) A copy of all DRFs Closure assessment reports if the location continues as a facility; and
- (g)(h) A copy of all Closure Reports, as referenced in paragraph 62-761.210(2)(c), F.A.C., if the location continues as a facility Verification from a Certified Contractor of the existence of a single check valve beneath the suction pump for suction piping systems.

(4) Records to demonstrate financial responsibility shall be maintained until storage tank system closure.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.322 FS. History--New 12-10-90, Formerly 17-761.710, Amended 9-30-96, 7-13-98, ~~Repromulgated~~ 6-21-04, _____.

62-761.800 Out-of-Service and Closure Requirements.

- (1) Out-of-service storage tank systems.

(a) General.

1. Storage tank systems that are taken out-of-service, as required in this subsection as defined in subsection 62-761.200(40), F.A.C., shall continue to be maintained in accordance with this Chapter unless otherwise noted herein.



2. Facility owners and operators of out-of-service storage tank systems shall:
- Continue to operate and maintain corrosion protection in accordance with subsection paragraph 62-761.700(2)(4)(b), F.A.C.;
 - Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-761.640(2), F.A.C.;
 - Leave vent lines open and functioning;
 - Remove all regulated substances so that no more than one inch in depth **or 0.3 percent by weight** of regulated substances remains in the storage tank ~~Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and~~
 - Secure or close off the system to outside access.

(Current rule is not a problem, and 0.3 is in the current rule)

32. Facility owners and operators of out-of-service storage tank systems shall monitor the interstice and the liquid level in the storage tank annually ~~but not to exceed 12 months~~. Records of these inspections shall be maintained in accordance with subsection 62-761.710(2), F.A.C. In the event that liquid in excess of one inch in the storage tank or any liquid in the interstice is discovered, **facility owners and operators must follow the procedures for suspected incidents an INF must be submitted in writing or electronic format and an investigation as to the cause performed** pursuant to Rule 62-761.430, F.A.C. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.

(Department's proposed language compels an INF, while the suggested revision requires following procedures for suspected incidents. It's not an incident until after the investigation)

43. Release detection device annual operability testing, containment and **interstitial** integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems **installed after the effective date of the rule** that have been out-of-service for more than ~~two years~~ **365 days** shall perform interstitial integrity testing of the storage tank and **small diameter** integral piping before adding regulated substances to the storage tank system. Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out of service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-761.800(2), F.A.C.

(This requirement for interstitial integrity testing should be eliminated for existing systems, but if the tank has been out of service for two years without monthly release detection then a B.O.I. could be performed for tanks and piping installed after the effective date of the rule that have been properly designed to have safe interstitial integrity testing.)

54. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with subsection 62-761.800(2), F.A.C. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., as applicable, on any systems being returned to service.

(b) Before being returned to service, the following tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., for systems that are taken out of service for more than 180 days:

1. A tightness test for single-walled systems; or
2. A breach of integrity test for double-walled Category C systems.

(c) Single-walled systems that are taken out of service shall not be kept out of service longer than two years for corrosion-protected systems or one year for unprotected bare steel systems. After the end of these time periods, the systems shall either be upgraded or permanently closed.

(2) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: General:



1. A storage tank system that is out-of-service or has not had regulated substances added to or withdrawn from the system for more than ~~Closure of storage tank systems shall be performed by:~~

- a. Two years for single-walled storage tank systems; or ~~Removing all liquids and accumulated sludges;~~
- b. Ten years for storage tank systems with secondary containment. ~~Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~
- c. ~~Closing the storage tank system in accordance with paragraphs 62-761.800(2)(b), F.A.C., as applicable; and~~
- d. ~~Conducting a closure assessment in accordance with subsection 62-761.800(3), F.A.C.~~

2. A storage tank system that fails to meet the requirements of Rule 62-761.500, F.A.C. After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

3. A storage tank system that requires repair pursuant to Rule 62-761.700, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter. Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-761.600(1)(k), F.A.C.

(b) Closure of storage tank systems shall be performed by: ~~Unmaintained systems shall be permanently closed within 90 days of discovery.~~

(c) System removal, closure in place, and disposal shall be performed:

1. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes; In accordance with API RP 1604 and NFPA 30; and

2. Removing or disconnecting and capping all integral piping; By a Certified Contractor if the system is removed from the ground, unless it is closed in place by filling it with a solid inert material of sufficient density to prevent a structural collapse of the closed system.

3. Removing and disposing of a storage tank by a Certified Contractor, or in-place closure by filling the storage tank with a solid inert material of sufficient density to prevent a structural collapse of the closed storage tank, which shall be in accordance with the following documents hereby adopted and incorporated by reference, and available from the addresses given. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, and Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C). In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances in accordance with API RP 1604. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities; and

4. Conducting a Closure Evaluation and preparing a Closure Report, as referenced in paragraph 62-761.210(2)(c), F.A.C., in accordance with subsection 62-761.800(3), F.A.C.

(c) The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements.

(3) Closure Report and Evaluation Requirements, as referenced in paragraph 62-761.210(2)(c), F.A.C. Closure assessment of storage tank systems.

(a) Closure Report ~~At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.~~

1. A Closure Report is always required and shall be completed in accordance with the Department's "Storage Tank System Closure Guidelines - Closure Evaluation Guidance," specified in paragraph 62-761.210(2)(c), F.A.C., at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components in contact with the soil. If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.

2. A Closure Report (including a Closure Evaluation, as required), shall be submitted in writing or electronic format to the County within 60 days of completion of any of the activities listed in subparagraph 62-761.800(3)(a)1., F.A.C. Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

(b) Closure Evaluation. In addition to a Closure Report, all storage tank systems in contact with the soil must perform a Closure Evaluation according to the Department's "Storage Tank System Closure Guidelines - Closure



Evaluation Guidance” specified in paragraph 62-761.210(2)(c), F.A.C. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP’s “Storage Tank System Closure Assessment Requirements”;

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure; and

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-761.640(3)(a), F.A.C.;

(c) Closure assessment sampling and analysis shall be conducted according to DEP’s “Storage Tank System Closure Assessment Requirements.”

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-761.800(3)(a), F.A.C. The report shall include sample types, sample locations and measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP’s “Storage Tank System Closure Assessment Requirements.”

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.30716 FS. History–New 12-10-90, Formerly 17-761.800, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.820 Incident and Discharge Response.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.820, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.850 Alternative Procedures Requirements and Equipment Registration Approvals.

(1) Alternative procedure requirements.

(a) Any person subject to the provisions of this Chapter may request in writing a determination by the Secretary or the Secretary’s designee that any requirement of this Chapter shall not apply to a regulated storage tank system at a facility, and shall request approval of alternative ~~alternate~~ procedures or requirements.

(b) On Form 62-761.900(4), Alternative Requirement or Procedure Form, effective date, *(the effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

The request shall set forth at a minimum the following information:

1. The specific storage tank system or facility for which an exception is sought;
2. The specific provisions of this Chapter 62-761, F.A.C., from which an exception is sought;
3. The basis for the exception;
4. The alternative procedure or requirement for which approval is sought;
5. Documentation that demonstrates that the alternative procedure or requirement provides an equivalent or greater degree of protection for the lands, surface waters or groundwaters of the State as the specific provisions of this Chapter from which an alternative procedure is sought ~~established requirement~~; and
6. Documentation that demonstrates that the alternative procedure or requirement is at least as effective as the established procedure or requirement.
7. If an alternative ~~alternate~~ procedure or requirement is not able to be sought under subparagraph 5. or 6., then documentation that demonstrates that the specific provisions of this Chapter from which the exception is sought imposes regulatory costs on the regulated entity that could be reduced through approval of a less costly regulatory alternative or requirement that provides a substantially equivalent degree of protection for the lands, surface waters,



or groundwaters of the State as the established requirement.

(c) The Department shall issue an Order either: ~~Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(1), F.A.C., are met.~~

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-761.850(1)(b), F.A.C.; or

2. Denying the request and stating the reason(s) the request does not make an adequate demonstration that the requirements of paragraph 62-761.850(1)(b), F.A.C., have been met.

(d) ~~The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S. The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval.~~

(e) The provisions of this Rule do not preclude the use of any other applicable relief provisions.

(2) Registration of storage tank system equipment and release detection systems and methods ~~Equipment~~ approvals.

(a) Owners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods (including equipment and methods that were previously approved by the Department under the former Equipment Approval process) have been registered with the Department. ~~Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:~~

(b) Any storage tank system equipment installed after *(the effective date of the rule)* must be registered with the Department in accordance with this section. Upon discovery, non-registered storage system equipment installed after *(the effective date of the rule)* must be removed within 90 days, unless registration is obtained and listed within the 90 day time period.

(c) Equipment previously approved by the Department under the former Equipment Approval process and installed prior to *(the effective date of the rule)* can continue to be used regardless of later non-renewal or removal of registration from the list of registered storage tank system equipment, provided the equipment is still operating as designed.

(d) Only the storage tank system equipment as stated in this Chapter shall be registered by the equipment manufacturer using Form 62-761.900(3) Storage Tank System Equipment Registration Form, effective date, *(the effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. ~~The following storage tank system equipment is exempt from registration:~~

1. Dispensers, dispenser islands, nozzles, and hoses;
2. ~~Monitoring well bailers;~~
3. Manhole and fillbox covers;
4. Valves and ball float valves;
5. Cathodic protection test stations;
6. ~~Metallic bulk product piping;~~
7. Small diameter integral piping not in contact with soil, unless the integral piping extends over or into surface waters; and
8. Vent lines.

7. Gauges used for vacuum and pressure monitoring

(e)(b) Registration ~~Equipment approval~~ requests shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will ~~provide equivalent protection or~~ meet the appropriate performance ~~requirements standards~~ contained in this Chapter. Any approvals or denials received from other states or countries shall be included in the registration approval request to the Department.

(f)(e) A third-party demonstration by a Nationally Recognized Testing Laboratory shall be submitted in writing or electronic format to the Department with the application. The third-party demonstration shall provide:

1. A technical evaluation of the equipment;
2. Test results that verify that the equipment will function as designed; ~~and~~
3. A professional certification or determination that the equipment meets the performance



requirements standards contained in this Chapter; Rule 62-761.500, F.A.C.

4. Integrity test requirements and procedures; and

5. Annual operability testing procedure for the equipment or release detection system or method.

(g)(d) Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection and be listed with the National Work Group On Leak Detection Evaluations, <http://www.nwglde.org/>, prior to being used. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(2), F.A.C., are met.

(h)(e) The storage tank system equipment and release detection systems and methods registered with the Department under this subsection must be renewed every five years. Failure to renew will result in removal from the equipment registration list. Any changes, improvements, or modifications to equipment beyond the scope of the original demonstration by the Nationally Recognized Testing Laboratory will require a renewal of the registration and a new demonstration from a Nationally Recognized Testing Laboratory pursuant to paragraph 62-761.850(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) The Department shall place conditions upon the use of the storage tank system equipment and release detection systems and methods, remove equipment or methods from the list of registered storage tank system equipment, or not renew registration based on the information submitted to the Department in accordance with this subsection or if the equipment does not perform in field application as certified in the third party certification by a Nationally Recognized Testing Laboratory.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-761.850, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.900 Storage Tank Forms.

The forms used by the Department in the Storage Tank System Program are adopted and incorporated by reference in this section. The forms are listed by form rule number, ~~which is also the form number, and with the subject title,~~ and effective date. Copies of forms are available ~~may be obtained~~ by writing to the ~~Administrator, Storage Tank Regulation Section,~~ Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500 ~~4525,~~ Tallahassee, Florida 32399-2400, or at or online at: www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(1) Form 62-761.900(1) Discharge Report Form, (the effective date of the rule) July 13, 1998.

(2) Form 62-761.900(2) Storage Tank Facility Registration Form, (the effective date of the rule) July 13, 1998.

(3) Form 62-761.900(3) Storage Tank System Equipment Registration Form, (the effective date of the rule)

Certification of Financial Responsibility, July 13, 1998.

(4) Form 62-761.900(4) Alternative Requirement or Procedure Form, (the effective date of the rule) July 13, 1998.

(5) Form 62-761.900(5) Underground Storage Tank Installation and Removal Form for Certified Contractors, (the effective date of the rule) July 13, 1998.

(6) Form 62-761.900(6) Incident Notification Form, (the effective date of the rule) July 13, 1998.

(7) ~~Monthly Statistical Inventory Reconciliation (SIR) Report, July 13, 1998.~~

(8) ~~Limited Closure Summary Report Form, July 13, 1998.~~

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-761.900, Amended 9-30-96, 7-13-98, Repromulgated 6-21-04, _____.

STEEL TANK INSTITUTE

January 28, 2014

Florida Dept. of Environmental Protection
Attention: William E. Burns Jr.
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: UST System Rules, Chapter 62-761, F.A.C.
AST System Rules, Chapter 62-762, F.A.C.

Dear Mr. Burns:

STI/SPFA is a trade association representing fabricators of atmospheric underground and aboveground storage tanks used for storage of petroleum, water, and chemicals, fabricators of pressure vessels, and fabricators of large steel potable water pipe. The Steel Tank Institute is specifically involved with storage systems described in your Florida regulations Chapters 62-761 and 62-762.

Chapter 62-761, Underground Storage Tank Systems

62-761.200 Definitions

~~(5) "Cathodic Protection Tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure to soil potential, and component electrical isolation measurements of buried metal piping and tank.~~

(10) "Corrosion Professional" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as a Cathodic Protection Specialist or Corrosion Specialist, or be a professional engineer licensed registered in the State of Florida.

We agree with the definition provided in paragraph (10), and we feel that Cathodic Protection Specialists and Corrosion Specialists certified by NACE or Professional

A DIVISION OF STI/SPFA

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Engineers are properly qualified to engage in the practice of corrosion control.

However, the testing of cathodic protection systems, and in particular galvanic anode cathodic protection systems, do not require that same level of certification. Testers go in the field to verify adequate cathodic protection exists on a tank or pipe. Testers do not design systems or perform retrofit. We feel a definition of cathodic protection tester should remain.

Further, in 2006, we suggested that FL DEP reference the STI Certification program for cathodic protection testers as an alternate to the NACE program. STI has certified approximately 475 testers throughout the country and these individuals are posted on our web site at http://www.steeltank.com/EducationEvents/EducationandEvents/tabid/481/Agg1320_SelectTab/1/Default.aspx. A number of States have adopted the STI Certification program specifically within their regulations. We would be happy to provide you with contact information. We suggest that the definition of "cathodic protection tester" remain as modified below:

(10) "Cathodic Protection Tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall be certified as a STI cathodic protection tester or a NACE cathodic protection tester.

62-761.200

c. 3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

We suggest the addition of an STI Standard to this section, STI R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs as this RP fulfills the requirements of c.3 specifically for the STI sti-P3 cathodic protected tank.

62-761.210 Reference Requirements Standards

(j) Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steeltank.com/>:

- 1. sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013; and**
- 2. Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006.**

We wish to thank the Department for its reference to industry standards, including the standards of Steel Tank Institute. In all locations where STI standards and recommendations are referenced, we suggest our address be updated to our current location.

Steel Tank Institute, 944 Donata Ct. Lake Zurich, IL 60047.

Also, our publications get updated regularly, and we have attached a list of our current standards and RP's that can be included.

The EPA federal regulations reference Steel Tank Institute standard ACT-100. Many underground steel storage tanks installed in Florida were built to this standard and it remains a useful reference. We recommend its inclusion as a reference.

[ACT-100® Specification for External Corrosion Protection of FRP Composite Steel USTs - F894](#)

In 2006, STI published a recommended practice for testing cathodic protection of UST's with galvanic cathodic protection and another recommended practice for addition of supplemental anodes to sti-P3 tanks. In 2011, due to the proliferation of new fuels and fuel formulas, STI published a new recommended practice for tank maintenance.

STI R051-06 [Cathodic Protection Testing Procedures for sti-P3 UST's \(R051\)](#)

STI R972, [Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs](#)

STI R111, [Storage Tank Maintenance \(R111\)](#)

62-761.500 Performance Standards for Category C Storage Tank Systems Requirements.

(c) Cathodic protection.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

Add a statement to c3 that "supplemental anodes added to the sti-P3 tank can be installed according to STI R972, [Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs](#)."

(d) Double-walled steel tanks coated with a fiberglass reinforced plastic composite shall be constructed in accordance with UL 58 and UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

We recommend the addition of the ACT-100 standard to paragraph (d).

[ACT-100® Specification for External Corrosion Protection of FRP Composite Steel USTs - F894](#)

Paragraph (d) precludes the use of jacketed tanks. These are steel tanks with an outer non-metallic tank that provides both corrosion protection and secondary containment. These tanks are built to UL 1746. We suggest the following addition, perhaps as a new paragraph (e).

[\(e\) Jacketed steel tanks shall be constructed in accordance with UL 1746, or certified by a Nationally Recognized Testing Laboratory, that these requirements are met.](#)

62-761.430 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rule 62-761.600, F.A.C.:

1. Any visual inspection of a storage tank system that reveals signs of corrosion, cracks, structural damage, leakage, or other similar problems;

And

62-761.600 Release Detection Requirements ~~Standards~~.

(1) General requirements.

... (e) Visual inspections. Every component of a storage tank system that can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-761.710, F.A.C. Any visual inspection of a storage tank system that reveals signs of corrosion, cracks, structural damage, leakage, or other similar problems is considered a positive response.

The use of the word "signs" is very non-specific. Steel tanks and pipe can show rust, that might meet the phrase "a sign of corrosion," but such rust can be surface in nature and not threatening the performance of the steel or suggestive of a release.

Cracks, excessive deflection, tank bottom flattening, and delamination can be seen within FRP storage tanks and plastic sumps. No mention is made of these precursors to failure and a release.

With internal linings and some plastic components and tanks, there are incompatible issues that can be visually inspected, such as blistering and linings that are no longer adhered to the inside of the tank or storage system component.

We suggest the paragraph be revised as follows:

(e) Visual inspections. Any ~~Every~~ component of a storage tank system that contains, transfers, or stores, or is designed to contain, transfer, or store pollutants that can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-761.710, F.A.C. Any visual inspection of any component a storage tank, ~~system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances~~ that reveals ~~pitting corrosion with more than a fifty percent loss of its original design thickness, or cracking, splitting, blistering, delamination, softening, excessive deflection, tank bottom flattening signs of corrosion, cracks,~~ structural damage, leakage, or other similar problems with fiberglass, steel, polyethylene, or any other materials of construction for equipment registered in accordance with Rule 62-761.850(2), F.A.C. is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. Repairs shall be made in accordance with Rule 62-761.700, F.A.C. A ~~monthly~~ visual inspection is not required for any system component using an electronic release detection method, ~~but piping sumps must be visually inspected every six months and records kept of the visual inspection~~ At least once a month, but not exceeding 35 days, any storage tank and component of a storage tank that can

~~be inspected visually shall be visually inspected in accordance with paragraph 62-761.640(2)(e), F.A.C. A visual inspection is not required for any system component that has a continuous or monthly electronic release detection sensor. Continuous electronic leak detection devices shall be inspected for proper operation on a monthly basis. Inspection may consist of visual observation or remote verification of proper operation.~~

62-761.700 Repairs, Operation and Maintenance of Storage Tank Systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory-installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in NACE International Standards SP0169-2007 and SP0285-2011, as applicable. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

Add STI R051-06 [Cathodic Protection Testing Procedures for sti-P3 UST's \(R051\)](#) as an additional test method for testing sti-P3 tanks. Steel Tank Institute has performed over 100,000 tests on sti-3 tanks. STI was instrumental in revising NACE tank cathodic protection testing procedures for underground storage tanks, especially tanks with galvanic anodes. The STI R051 needs to be referenced.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional [Cathodic Protection Tester](#) that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

- 1. Be repaired within 30 90 days in accordance with subparagraph 62-761.700(2)(b)1., F.A.C., or**
- 2. Be closed in accordance with subsection 62-761.800(2), F.A.C.**

A corrosion professional generally doesn't review test reports. A cp tester alone will test and pass/fail a system. 30 days is not adequate time to have a system repaired. 90 days is more appropriate.

Chapter 62-762, Aboveground Storage Tank Systems

Field Erected Storage Tank vs. Shop-Fabricated Storage Tanks

It is our understanding that at the public hearing, several comments were made suggesting that FL DEP incorporate a separate set of regulations of shop-fabricated storage tanks from field erected aboveground storage tanks. The following comments are intended to provide input as to the primary difference between these categories to assist with rulemaking.

A tank is shop-fabricated if it can be built in a completed status, and shipped to the job site in one piece. Most tanks are shipped by highway, and therefore normally limited to 12' diameter, unless special permit and transportation method can be provided. Most tank capacities less than 70,000 gallons in capacity are shop-fabricated, and then installed by a contractor, normally separate from the fabricator. Appurtenances are normally mounted at the job site by the installer.

Steel Tank Institute represents fabricators of both shop-fabricated and field erected storage tanks. There is minimal overlap of standards for each type of tank, but there is some overlap. Tanks built to construction standards published by UL, STI, or SwRI are almost exclusively shop-fabricated. Tanks built to API can be either field erected or shop-fabricated. For example, API 12F and Appendix J of API 650 are construction requirements for shop-fabricated tanks. Most of the specification requirements within API 650 (atmospheric) and API 652 (for low pressure) are field erected

Shop-fabricated tanks are built in different orientations – horizontal cylindrical on supports, rectangular, or vertical cylindrical on grade or on supports. Field erected atmospheric storage tanks are almost exclusively of vertical cylindrical orientation. The fabricator is often the “installer” of the tank erection itself, although site preparation, the foundation, and appurtenances may be handled by others.

There is some overlap from industry inspection standards as well. The STI SP001 standard covers nearly all shop-fabricated storage tanks, but also covers small field erected tanks, up to about 250,000 gallons. There is no lower limit on API 653 tank inspections, although it is considered the exclusive inspection standard for field erected tanks greater than 250,000 gallons. When the SP001 standard was revised, the committee overseeing its development felt that small field erected tanks had similar design traits as shop-fabricated tanks, hence the inclusion of smaller field erected storage tanks in the SP001 inspection standard.

Within Steel Tank Institute, we govern fabricators as different sections within the association. Our Field Erect Tank Section is a separate section than our Shop-Fabricated Tank Section. For the most part, the markets are considerably different due to the different standards used and due to the size of the tank.

62-762.201 Definitions

We noticed that a number of definitions differ from EPA SPCC terminology. Industry doing business in different states normally seek consistency in definitions so as to avoid confusion with industry standards. Steel Tank Institute has several comments and suggestions. In particular, the rule seems to use secondary containment and tank liner interactively. We have attached additional comments in Appendix A to this letter.

762.211 Reference Requirements Standards

(j) Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steeltank.com/>:

1. Standard for the Inspection of Aboveground Storage Tanks, SP001, 5th Edition, Revised 2011.

2. Standard for Repair of Shop Fabricated Aboveground Tanks, SP031, 4th Edition, November 2008.

3. Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, R892, Revised January 2006.

4. Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids, R912, Revised October 2010.

5. Standard for Aboveground Tanks with Integral Secondary Containment, F921 Revised January 2013.

We wish to thank the Department for its reference to industry standards, including the standards of Steel Tank Institute. In all locations where STI standards and recommendations are referenced, we suggest our address be updated to our current location.

Steel Tank Institute, 944 Donata Ct. Lake Zurich, IL 60047.

Also, our publications get updated regularly, and we have attached a list of our current standards and RP's that can be included. Three aboveground tank types built to STI standards that are built by multiple tank fabricators and installed in the State of Florida are the Fireguard tank, the Flameshield tank, and the Generator Base Tank. None of these standards are currently referenced. A list of additional STI standards is attached to this letter.

6. Flameshield® Standard for Fire Tested Tanks, F001, January 2013, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

7. Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks, F941, December, 2012, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

8. Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank, F011, May, 2012, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

62-762.501 Storage Tank Systems Requirements

(b) Secondary Containment

- 7. An interstitial integrity test shall be performed on double-walled or double-bottomed storage tanks after it is delivered to or constructed at the facility and before the storage tank is placed into service. This test shall be performed in accordance with Recommended Practices for Installation of ~~Underground~~ Aboveground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition RP200 – 13, 2013 Edition, Recommended Practices for Overfill Protection of aboveground Storage Systems RP600 – 2012, 2012 Edition, Recommended Practices for Installation of Bulk Storage Systems RP 800, 2013 Edition, and Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, hereby adopted and incorporated by reference and available from the address given.**

The referral to PEI RP 100 is incorrect, as it applies to underground storage tanks. The appropriate reference should be PEI RP 200, as it is appropriate for AST's. We also

suggest that PEI RP 600 and RP 800 be referenced as RP's for overfill prevention and for installation of Bulk Storage Systems. Overfill was previously shown to be the most common cause of release from shop-fabricated aboveground storage tanks. Bulk storage systems typically install vertical AST's where good release detection prevention measures can be obtained from a combination of secondary containment tanks, release prevention barriers, and spill control devices.

62-762.411 Notifications

(3) For internal inspections, Steel Tank Institute (STI) SP001 Standard for Inspection of Aboveground Storage Tanks, 5th Edition, 2011 and Tank Inspection, Repair, Alteration, and Reconstruction, API Std 653, 4th Edition, April 2009, includes Addendum 1 (2010), Addendum 2 (2012), September, 2003, and Addendum 2, and piping integrity testing, Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems, API 570, 3rd Edition, November 2009, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference and available.....

The STI Standard, SP001, also requires internal inspections for tanks up to 250,000 gallons in capacity. A similar reference to SP001 should also be considered.

(b) Storage tank construction requirements

1. Storage tanks shall be constructed in accordance with one of the following:

STI standards on Fireguard, Flameshield, and Generator Tanks may also be referenced here. See suggestions we made above for section 762.211.

62-762.601

(e) Visual inspections

We recommend revision similar to the section of the same material in the Underground Storage Tank rule, 62-761.600, and as we proposed above.

62-762.XXX Various Sections

There are various requirements within these proposed regulations for visual inspections, integrity testing, and other ongoing maintenance activities of aboveground storage tanks. But there are no inclusions to allow such activity to be performed in accordance with nationally recognized industry standards such as API 653 and STI SP001. If FL DEP's intention is to require inspections of AST's to be similar with EPA SPCC requirements, we suggest the following language be included:

Evaluation and testing of shop-fabricated tanks.

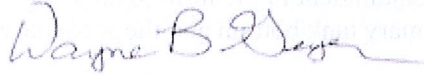
Shop-fabricated tanks shall be evaluated, and their testing frequency established and implemented, in accordance with STI SP001. Evaluations shall be certified by a professional engineer licensed registered in the State of Florida, or approved by STI SP001 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in STI SP001.

January 30, 2014

Storage tanks shall be inspected and tested at a frequency established in accordance with STI SP001 and maintained for the life of the tank.

Thank you for giving Steel Tank Institute an opportunity to comment on the regulations. The changes are quite extensive, and after we have had a greater opportunity to learn more about the rule and to see it implemented, we wish to reserve the ability to make further comment in the future.

Very truly yours,



Wayne Geyer, P.E.
Executive Vice-President

Enclosure

APPENDIX A

62-762.201 Definitions

(12) “Day tank” means a storage tank system component in close proximity to an engine to provide a reliable supply of fuel.

- A day tank is a tank containing the amount of fuel used by a generator in a 24-hour period.

(17) “Double-bottomed” means an AST that has secondary containment in the form of an outer tank bottom having a closed interstitial space between the primary tank bottom and the secondary outer tank bottom.

(18) “Double-walled” means a storage tank system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment.

- Florida DEP Approval Process of Double Wall Storage Tanks requires double wall tanks to have approved spill containment, overfill protection, and interstitial release detection. Further, EPA SPCC regulations require overfill protection on double wall tanks installed without additional diking. The FL AST regulation needs to clearly define this requirement.

(35) “Interstitial monitoring” is a method of release detection in which the interstice is monitored

- This definition uses the term itself. The term should be defined using alternative words.

(36) “Liner” means an impervious material that meets the performance requirements of subparagraph 62-762.501(1)(b)2, F.A.C., that is used externally as a method of secondary containment.

- Florida’s definition of a liner indicates that the liner itself will provide full secondary containment. Sometimes a liner will be placed under the tank floor as a release prevention barrier to prevent seepage into soil, but it may not provide containment of a tank’s full liquid content unless it is extended up to hold such volume. This conflicts with the Federal EPA’s definition.

(38) “Mobile tank” is:

- (a) An AST that is moved to a different location at least once every 180 days; and
 1. Has a current valid vehicle registration with the Florida Department of Highway Safety and Motor Vehicles and has current test and inspection markings in accordance with 49 C.F.R. 180.415; or
 2. Is designed and constructed to be moved to other service locations, and its relocation within a facility or from site to site is inherent in its use.
- (b) An AST that is used for on-site construction activities, provided that the construction activities do not exceed 12 months, or the life of the construction project as long as construction is continuous, and the tanks are removed from the site when the construction is complete.
- (c) An AST is not considered mobile if it is connected to stationary underground or aboveground integral piping, unless associated with the production of an agricultural

commodity, provided that the tank is moved to a different location at least once every 180 days;

- **Add language stating that AST's which bear UL or API labels are not to be used as Mobile Tanks.**

(58) "Secondary containment" means a release detection and discharge prevention system that meets the performance requirements of paragraph 62-762.501(1)(b) ~~62-762.501(1)(e)~~, F.A.C., and includes dispenser sumps ~~liners~~, piping sumps, spill containment systems, the outer wall of double-walled tanks and integral piping systems, ~~or single-walled tanks or piping systems that are contained within a~~ or the liner or an impervious containment area surrounding single-walled tanks or integral piping. ~~A Release Prevention Barrier, as specified in API Standard 650, Appendix I, is considered secondary containment for field-erected aboveground storage tank~~

- See comments above about liners providing full secondary containment. EPA SPCC rules for secondary containment state:

(2) Construct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

APPENDIX B **STEEL TANK INSTITUTE** **SPECIFICATIONS, STANDARDS AND RECOMMENDED PRACTICES**

REVISED DATE	DESCRIPTION
UST SPECIFICATIONS	
September 2013	sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks
September 2013	ACT-100® Specification for External Corrosion Protection of FRP Composite Steel USTs
September 2013	ACT-100-U® Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks
January 2013	Specification for Permatank®
January 2006	Cathodic Protection Testing Procedures for sti-P3® USTs
AST SPECIFICATIONS	
January 2013	F921® Standard for Aboveground Tanks with Integral Secondary Containment
January 2013	Flameshield® - Standard for Fire Tested Tanks
December 2012	Specification for Fireguard® Protected Aboveground Storage Tanks
September 2012	Standard for Aboveground Tanks Used as a Generator Base Tank
October 2010	Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids
RECOMMENDED PRACTICES, STANDARDS, SPECIFICATIONS & MISC DOCUMENTS	
January 2006	RP for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems
December 2010	RP for the Addition of Supplemental Anodes to sti-P3 USTs
January 2006	Standard for Dual Wall Underground Steel Storage Tanks
September 2011	Standard for Inspection of Aboveground Storage Tanks, 5th Edition
November 2008	Standard for Repair of In-Service Shop Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids
December 2011	Standard for Tanks Storing DEF
July 2011	Storage Tank Maintenance
January 2009	F911® Standard for Diked Aboveground Storage Tanks (DAST)

NOTE: Tank Tech comments are in BLUE font, and proposed rule changes are in RED

CHAPTER 62-761 UNDERGROUND STORAGE TANK SYSTEMS

62-761.100	Intent
62-761.200	Definitions
62-761.210	Reference <u>Requirements Standards</u>
62-761.300	Applicability
62-761.350	<u>Operator Training and Certification</u> (Reserved for Rulemaking)
62-761.400	Registration and Financial Responsibility
62-761.405	<u>Notification</u>
62-761.420	<u>Financial Responsibility</u>
62-761.430	<u>Incidents</u>
62-761.440	<u>Discharges</u>
62-761.450	<u>Notification and Reporting</u> (Repealed)
62-761.500	<u>Storage Tank System Requirements Performance Standards for Category C Storage Tank Systems</u>
62-761.510	<u>Performance Standards for Category A and Category B Storage Tank Systems</u> (Repealed)
62-761.600	Release Detection <u>Requirements Standards</u>
62-761.610	<u>Release Detection Methods</u> (Repealed)
62-761.640	<u>Performance Standards for Release Detection Methods</u> (Repealed)
62-761.700	Repairs, Operation and Maintenance of Storage Tank Systems
62-761.710	Recordkeeping
62-761.800	Out-of-Service and Closure Requirements
62-761.820	<u>Incident and Discharge Response</u> (Repealed)
62-761.850	Alternative Procedures Requirements and Equipment <u>Registration Approvals</u>
62-761.900	Storage Tank Forms

62-761.100 Intent.

(1) The purpose of this Chapter is to provide requirements standards for the ~~registration, construction, installation, operation, maintenance, repair, closure, and disposal of~~ underground storage tank systems that store regulated substances, in order and to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for underground storage tank systems having individual storage tank capacities greater than 110 gallons.

(2) No change.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.100, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.200 Definitions.

All words and phrases defined in Sections 376.301 and 376.79, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Sections 376.301 and 376.79, F.S., for definitions of the following terms: “Contaminant (contamination shall mean the same as contaminant),” “Contaminated site,” “Department,” “Discharge,” “Facility,” “Hazardous substances,” “Operator,” “Owner,” and “Pollutants.” The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings: ~~The following words, phrases or terms used in this chapter, unless the context indicates otherwise, shall have the following meaning:~~

(1) No change

(2) “Biofuel” means fuel produced from renewable resources, especially plant biomass, vegetable oils, and treated municipal and industrial wastes. ~~“AST” means an aboveground storage tank.~~

(3) “Bulk product piping” means on-site integral piping with an internal diameter greater than three inches that is utilized for transporting regulated substances.

~~(3)~~(4) “Cathodic protection” means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.

(5) “Cathodic Protection Tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping

and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure to soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

~~(4)(6)~~ “Certified Contractor” means a Pollutant Storage System Contractor certified by the Department of Business and Professional Regulation in accordance with Chapter 489, F.S. *Except for the exemptions specified in Chapter 489, F.S., Certified Contractors are not required for activities that do not involve excavating or disturbing the backfill around UST systems. Certified Contractors are the only contractors authorized to perform the following activities for underground pollutant storage tank systems:*

(a) Installation of:

1. USTs or integral piping, excluding drop tubes;

2. Overfill protection and spill containment;

3. Secondary containment;

4. Internal release detection devices;

5. Cathodic protection systems; and

6. Dispenser liners when the integral piping is connected or disconnected during the installation of secondary containment.

(b) Removal of tanks or integral piping; and

(c) Internal lining of tanks.

This language makes it easier for owners to understand and should remain in the rule.

(5) “Certified Contractors Form” means Underground Storage Tank Installation and Removal Form for Certified Contractors 62-761.900(5).

~~(6)(7)~~ “Chlorine” includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) or chlorides (Cl⁻).

(7) “Closure Evaluation” means the investigation at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil to determine if there has been a discharge.

(8) “Closure Report” is a document that contains the Closure Evaluation, as applicable, and a description of the closure activities and the condition and integrity of the storage tank system or storage tank system component at the time of closure, replacement, installation of secondary containment, ~~repairs performed because of an operational or structural problem that could potentially result in a release,~~ or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil.

The Language is too subjective and needs to be removed so it won’t include minor repairs

~~(9)(8)~~ “Compatible” means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the storage tank system under conditions likely to be encountered in the storage tank system.

~~(9)~~ “Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities result in exceedances of applicable cleanup target levels specified in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, or 62-550, F.A.C.

(10) “Corrosion Professional” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as a Cathodic Protection Specialist or Corrosion Specialist, or be a professional engineer licensed registered in the State of Florida.

(11) “County” means a locally administered program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

~~(12)(13)~~ “Day tank” means a storage tank system component in close proximity to an engine to provide a reliable supply of fuel.

(12) “Discharge” includes, but is not limited to, any ~~spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.~~

(13) “Discovery” means:

(a) ~~Either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of an incident, release, or discharge, or an unmaintained storage tank system; or~~

(b) ~~Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(10), F.A.C.~~

(14) “Dispenser” means a dispensing system that is used to transfer vehicular fuel from a fixed point to a vehicle.

(15) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(14) “Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(15)(16) “Dispensing system” or “Dispenser” means equipment that is used to transfer regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.

(16)(17) “Double-walled” means a storage tank system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.

(17) “DRF” means Discharge Report Form 62-761.900(1).

(20) “Empty” means all regulated substances have been removed so that no more than one inch in depth or 0.3 percent by weight of total system capacity of regulated substances remains in the storage tank system.

This definition needs to stay and gives owners an option

(19) “Existing contamination” means:

(a) The presence of free product or sheen on the groundwater;

(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:

1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or

2. 50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;

(c) Results of analytical tests on a groundwater sample that:

1. Exceed the cleanup target levels for petroleum products’ contaminants of concern specified in Table I of Chapter 62-777, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or

(d) After July 13, 1998, results of analytical tests on a soil sample that:

1. Exceed the lower of direct exposure residential and leachability based on groundwater criteria cleanup target levels for petroleum products’ contaminants of concern specified in Table II of Chapter 62-777, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above.

(20) “Facility” means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 110 gallons for UST systems.

(18)(21) “Free product” means the presence of nonaqueous phase liquid in the environment a regulated substance in excess of 0.01 foot in thickness, measured at its thickest point, floating on water, surface water or groundwater.

(22) “Hazardous substances” means those substances defined as hazardous substances in the Comprehensive

Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(24) “High viscosity” means a pollutant with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade.

(25) “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed loop mechanical system used to operate lifts, elevators, and other similar devices.

~~(19)~~(26) “Hydrostatic test” means a containment integrity test for a ~~storage tank or~~ storage tank system component that is performed in accordance with this Chapter using equilibrium and the pressure of liquids ~~to test the integrity of the tank or system component.~~

~~(20)~~(27) “Impervious” means:

~~(a) a synthetic material or another material registered in accordance with subsection 62-761.850(2), F.A.C., that is compatible with the stored regulated substance, and has a permeability rate to the regulated substance stored of 1×10^{-7} cm/sec or less; or,~~

~~(b) For concrete structures, a material that:~~

~~1. Meets the design and construction standards of ACI 350R-89 and ACI 224R-89; or~~

~~2. Is applied to the concrete in accordance with NACE International Standard RP0892-92~~

~~(21)~~(28) “In contact with the soil” means any portion of a storage tank system, that physically touches the soil or, if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious, integral piping connected to USTs, or any portion of a tank, that:

~~(a) Physically touches the soil; or~~

~~(b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.~~

~~(c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.~~

~~(22)~~(29) “Incident” is a condition or situation indicating that a release or discharge may have occurred from a storage tank system.

~~(23)~~ “INF” means Incident Notification Form 62-761.900(6).

~~(24)~~(30) “In-service” means a storage tank system that is being actively operated and that contains greater than one inch or 0.3% by weight of regulated substance. ~~is being actively maintained and operated in accordance with this Chapter. Non-compliance with any specific rule within this Chapter does not exclude the system from being considered “in service.” Subject to the above, a storage tank system is also considered to be in-service if it:~~

~~(a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;~~

~~(b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or~~

~~(c) Contains non-regulated substances and is still maintained in an in-service status at the request of the owner or operator.~~

This requirement is not causing any problems and should not be removed from the rule

~~(25)~~(31) “Integral piping” means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Integral piping, not including vapor recovery lines and vent lines, includes all valves, elbows, joints, flanges, pumps, and flexible connectors, up to the:

~~(a) Union of the piping with the dispensing system;~~

~~(b) Fill cap or fill valve; or~~

~~(c) Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; or~~

~~(d) First flange or connection within the loading rack containment area.~~

~~(26)~~ “Integrity test” means a determination of the liquid tightness of a storage tank system component using one of the following types of tests:

~~(a) “Interstitial integrity test” means an evaluation of the interstitial space in a double-walled storage tank system component using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by~~

a Nationally Recognized Testing Laboratory; or

(b) “Primary integrity test” means an evaluation of the liquid tightness of the primary tank or integral piping.

(c) “Containment integrity test” means an evaluation of the liquid tightness of the piping sumps, dispenser sumps, and spill containment systems.

~~(32) “Internal lining” means a material that is applied internally on USTs to protect the tank from internal corrosion.~~

(27) “Interstice” means the space between the primary and secondary wall of a storage tank system component.

~~(28)(33) “Interstitial monitoring” is a method of release detection in which the interstice is monitored. release detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:~~

~~(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or~~

~~(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.~~

~~(34) “Liner” means an impervious material that meets the performance standards of paragraph 62-761.500(1)(d), F.A.C., that is used externally as a method of secondary containment.~~

~~(29)(35) “Maintenance” means the normal operational upkeep in accordance with Rule 62-761.700, F.A.C., to prevent a storage tank system from releasing or discharging regulated substances.~~

~~(30)(36) “Nationally Recognized Testing Laboratory” means an international or national organization or governmental entity that can perform quantitative and qualitative tests on storage tank system equipment, evaluate the test data and equipment performance, and make determinations of the equipment’s capability of meeting the technical requirements standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. **Nationally Recognized Laboratories include organizations such as Underwriter’s Laboratories, Carnegie Mellon Research Institute, Southwest Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.**~~

This language needs to stay to help equipment manufacturers like us and others to know who is acceptable to the Department

~~(31) “New” means a storage tank system or system component that is installed after the effective date of this Chapter.~~

~~(32)(37) “On-site” means on the same or geographically contiguous property as the facility regulated under this Chapter, that is under the same ownership or control, and which may be divided by a public or private right-of-way or an easement.~~

~~(33) “Operability test” means a test performed to determine if electronic and mechanical release detection and overfill protection devices or systems are functioning as designed and in accordance with manufacturers specifications.~~

~~(38) “Operational life” refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-761.800(2), F.A.C.~~

~~(39) “Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.~~

~~(34)(40) “Out-of-service” means a storage tank system **meeting the requirements in subsection 62-761.800(1), F.A.C., that the owner and operator removes from active operations for an extended period of time that:**~~

~~**(a) Is designated as an out-of-service system by owner or operator notification to the Department on Form 62-761.900(2);**~~

~~**(b) Is empty as defined in subsection 62-761.200(18), F.A.C.; and**~~

~~**(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-761.800(1), F.A.C., for a maximum time of:**~~

~~1. Two years of being taken out of service for USTs; or~~

~~2. **Ten years** of being taken out of service for storage tank systems with secondary containment.~~

The existing language with a few minor changes needs to stay. This has not been a problem, any many of our internal secondary containment customers are in an out-of-service status when we get their business

~~(34)(41)~~ “Overfill” is an incident ~~a release or discharge~~ that occurs when a tank is filled beyond its capacity.

~~(35)~~ “Overfill protection” is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

~~(42)~~ “Owner” means any person as defined in Section 376.301(23), F.S., owning a facility.

~~(36)(43)~~ “Pesticides” mean any substance or mixture of substances, as defined in 487.201, F.S., intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the Department of Agriculture and Consumer Services by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term “pesticide” does not include any article that:

~~(a)~~ Is a “new animal drug” within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

~~(b)~~ Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

~~(c)~~ Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection, means all preparations, products, and substances included in the Department of Agriculture and Consumer Services’ Rule 5E 2.002, F.A.C.

~~(44)~~ “Petroleum” includes:

~~(a)~~ Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

~~(b)~~ All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph 62-761.200(44)(a), F.A.C.

~~(45)~~ “Petroleum product” means any liquid fuel commodity made from petroleum.

~~(a)~~ Forms of fuel considered to be petroleum products include all fuels known or sold as:

- ~~1.~~ Diesel fuel;
- ~~2.~~ Kerosene;
- ~~3.~~ Gasoline; and
- ~~4.~~ Fuels containing mixtures of gasoline and other products.

~~(b)~~ Forms of fuel excluded from this definition are:

- ~~1.~~ Liquefied petroleum gas;
- ~~2.~~ American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;
- ~~3.~~ Bunker C residual oils;
- ~~4.~~ Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;
- ~~5.~~ Asphalt oils; and
- ~~6.~~ Petrochemical feedstocks.

~~(37)(46)~~ “Pipe” or “piping” means any hollow cylindrical or tubular conveyance through which regulated substances flow.

~~(38)(47)~~ “Piping sump” or “Submersible turbine pump sump” means a storage tank system component ~~liner~~ installed as secondary containment or a monitoring port at the ~~top of a tank or~~ lowest point in the integral piping to detect releases.

~~(48)~~ “Pollutants” includes any “product” as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

~~(49)~~ “Pressure test” means a test to determine the integrity of integral piping performed in accordance with subparagraph 62-761.640(5)(a)1., F.A.C.

~~(39)(50)~~ “Pressurized piping” means piping through which regulated substances flow due to a pump that is not located at the dispensing system.

~~(40)(51)~~ “Product” as defined in Section 377.19(11), F.S., means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, used oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

~~(52)~~ “Registered Precision Tank Tester” means a contractor that performs tightness tests on USTs, and small diameter piping connected to USTs, that is registered by the Department of Business and Professional Regulation pursuant to Chapter 489, F.S.

(41) “Registration form” means Storage Tank Facility Registration Form 62-761.900(2).

~~(42)(53)~~ “Regulated substance” means a liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), that is a pollutant or a hazardous substance, or any mixture of the two, when stored in a storage tank UST.

~~(43)(54)~~ “Release” means:

~~(a)~~ A discharge; or

~~(b)~~ a loss of regulated substances from a storage tank system into the system’s secondary containment.

~~(44)(55)~~ “Release detection” means a method of:

~~(a)~~ Determining whether a discharge of regulated substances has occurred; or

~~(b)~~ detecting the presence of regulated substances within a storage tank system’s secondary containment, and/or detecting other conditions or situations indicative of a release or discharge.

~~(56)~~ “Release detection response level” is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.

~~(45)(57)~~ “Repair” means to restore or replace any defective or damaged parts of a storage tank system: in accordance with Rule 62-761.700, F.A.C. Replacement of a non-defective part is not a repair.

~~(46)(58)~~ “Residential storage tank system” means a storage tank system that services a non-commercial building that is used exclusively as a dwelling unit which means a structure that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies, is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.

~~(47)(59)~~ “Secondary containment” means a release detection and discharge prevention system that meets the performance requirements standards of paragraph 62-761.500(1)(b), F.A.C., and includes dispenser sumps liners, piping sumps, spill containment systems, the outer wall of double-walled tanks and integral piping, or the liner systems, or single-walled tanks or piping systems that are contained within a liner or an impervious containment area surrounding single-walled tanks or integral piping.

~~(48)(60)~~ “Sheen” means a regulated substance less than or equal to 0.01 foot in thickness, measured at its thickest point, or visibly observed, floating on surface water, groundwater, or within secondary containment.

~~(61)~~ “Significant loss or gain” means the sum of losses and gains of a regulated substance over a 30 day or monthly period that exceeds:

~~(a)~~ For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or

2. One percent of the total weekly output; or

3. Fifty gallons, whichever is greatest; or

~~(b)~~ For tanks with capacities greater than 2000 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or

2. One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.

~~(62)~~ “Small diameter piping” means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.

~~(49)~~ “Spill containment system” means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.

~~(50)(63)~~ “Storage tank system” means a tank used to contain regulated substances, its integral piping, and all its components, including dispensing systems, spill containment ~~systems devices~~, overfill protection ~~systems devices~~, secondary containment systems, day tanks, and any associated release detection equipment. A storage tank system is a “storage system” as defined in Chapter 376.301, F.S.

~~(51)(64)~~ “Suction piping” means piping through which regulated substances flow due to a pump located at the dispensing system.

~~(52)(65)~~ “Tank” means an enclosed stationary container or structure that is designed or used to store regulated substances, and the volume of which, including the volume of underground piping, is ten percent or more buried beneath the surface of the ground.

~~(66)~~ “Tightness test” means a test for an underground storage tank or its small diameter piping that is performed in accordance with subparagraphs 62-761.640(3)(f)1. and (4)(b), F.A.C., by a precision tank tester registered with the Department of Business and Professional Regulation under Chapter 489, F.S.

(67) “UST” means an underground storage tank.

(68) “UST Category A system” means a system containing pollutants that was installed on or before June 30, 1992, or a system containing hazardous substances that was installed before January 1, 1991.

(69) “UST Category B system” means a system containing pollutants that was installed after June 30, 1992, or a system containing hazardous substances that was installed on or after January 1, 1991, and before July 13, 1998.

(70) “UST Category C system” means a system that was installed on or after July 13, 1998. USTs that are removed and relocated on or after July 13, 1998 are considered Category C systems.

(71) “Unmaintained” means:

(a) A storage tank system that was not closed in accordance with Department rules; or

(b) An out of service storage tank system that is not returned to in-service status within:

1. Two years of its being out of service for USTs; or

2. Ten years of its being out of service for storage tank systems with secondary containment.

(72) “Upgrade” means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single wall corrosion-resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.

(53) “Valid Registration” means that applicable registration requirements that are specified in Rule 62-761.400, F.A.C., have been met for all regulated storage tank systems at a facility.

(73) “Vehicular fuel” means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, 3-8-94, Formerly 17-761.200, Amended 9-30-96, 7-13-98, 6-21-04, ____.

Substantial rewording of Rule 62-761.210, F.A.C., follows. See Florida Administrative Code for present text.

62-761.210 Reference Requirements Standards.

(1) Referenced requirements are available for inspection at the County Offices, and the Department of Environmental Protection’s District and Tallahassee Offices, and directly from the source.

(2) Titles of documents. References to documents listed in paragraphs 62-761.210(2)(a) through (l), F.A.C., below are made throughout this Chapter. Each document or part thereof is adopted and incorporated as a guideline only to the extent that it is specifically referenced in this Chapter. To the extent that the provisions contained in the following reference requirements conflict with this Chapter, the Department’s requirements as stated in this Chapter shall control.

(a) American Petroleum Institute (API), 1220 L Street, N.W. Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>.

1. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996;

2. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011;

3. Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996; and

4. Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006.

(b) ASME International (founded as the American Society of Mechanical Engineers), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800) 843-2763, or at <http://www.asme.org/>: Process Piping, B31.3-2004, 2012 Edition.

(c) Florida Department of Environmental Protection (DEP), Division of Waste Management, 2600 Blair Stone Road, MS 4500, Tallahassee, Florida 32399-2400, (850) 245-8839: Storage Tank System Closure Guidelines - Closure Evaluation Guidance, or at www.dep.state.fl.us/ (*effective date of the rule*).

(d) NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, (800) 797-6223, or at <http://www.nace.org/>:

1. Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition; and

2. Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition.

(e) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169-7471,

(800) 344-3555, or at www.nfpa.org/:

1. Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition;
 2. Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C), 2012 Edition; and
 3. Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition.
- (f) National Leak Prevention Association (NLPA), Route 2 Box 106A, Falmouth, Kentucky 41040, (702) 832-2260, or at <http://www.nlpa-online.org/> **National Leak Prevention Association: NLPA Standard 631, "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks," Chapter B, 1991.**

This standard needs to stay in the rule for internal secondary containment evaluations

(g) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, (301) 975-NIST (6478), or at <http://www.nist.gov/index.html>.

~~(h) National Work Group On Leak Detection Evaluations (NWGLDE), <http://www.nwglde.org/>.~~

Getting approval for leak detection systems used with internal secondary containment from this non-Florida organization could slow down or create problems with future product or equipment registrations

(i) Petroleum Equipment Institute (PEI), Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/:

1. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition; and
2. Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition.

(j) Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steeltank.com/>:

1. sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013; and
2. Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006.

(k) Underwriters Laboratories Standards (UL), 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/:

1. Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition;
 2. Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition;
 3. Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition; and
 4. External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition.
- 5. Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems, UL 1856, 2013 Edition.**

(New Standard UL 1856 should be added for internal secondary containment.)

(l) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/:

1. Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), Title 40, Part 280, July 2008; Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001; and
 2. Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001.
- (3) Applicability of Reference Requirements: Unless otherwise specified in this Chapter, facilities installed

before (the effective date of the rule) are subject to the Reference Requirements listed in the Department's storage tank rules that were in effect at the time of facility construction or operation. Facilities installed after (the effective date of the rule) shall comply with this subsection on or after (the effective date of the rule).

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 7-13-98, 6-21-04, _____.

62-761.300 Applicability.

(1) General Requirements.:

~~(a) Underground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, and ~~or~~ owners and operators of underground storage tank UST systems with individual storage tank capacities greater than 110 gallons, that contain or contained regulated substances.:

~~1. Vehicular fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~

~~2. Pollutants or hazardous substances after December 10, 1990; or~~

~~3. Regulated substances in unmaintained storage tank systems.~~

~~(b) This rule is applicable to non-residential facilities. Under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal UST rules (advisory information only not required by this Chapter).~~

(2) Exemptions: The following ~~underground systems~~ are exempt from the requirements of this Chapter:

(a) Any storage tank system storing any hazardous waste listed or identified under Subtitle C of the Resource Conservation and Recovery Act, or a mixture of such hazardous waste and other regulated substances;

(b) Any storage tank system regulated under the Toxic Substances Control Act (15 U.S.C. 2065);

(c) Any pesticide waste degradation system regulated under Chapter 62-660, F.A.C.;

(d) Storage tank systems used solely for temporary storage of mixtures of pesticides and diluent for reapplication as pesticides;

(e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored.

~~(f) Any tank that contains asphalt or asphalt products not containing other regulated substances;~~

~~(g) Any storage tank system storing regulated substances that are solid or gaseous at standard temperature and pressure;~~

~~(h) Any storage tank containing Liquid Petroleum Gas;~~

~~(g)(i)~~ Any storage tank system that:

~~1. Contains a regulated substance at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under 40 C.F.R. 302; and~~

~~2. Was never previously regulated under Chapter 376.30 through 376.309, F.S. or this Chapter; contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;~~

~~(h)(i)~~ Any storage tank system that contains wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

~~(i)(k)~~ Any septic tank system;

~~(i)~~ Any stormwater or wastewater collection system, including oil-water separator tanks;

~~(m)~~ Any surface impoundment, pit, pond, or lagoon;

~~(j)(n)~~ Any agricultural storage tank system of 550 gallons capacity or less that is used for agricultural purposes;

~~(k)(o)~~ Any residential storage tank system used solely for residential purposes. However, under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal underground storage tank rules;

~~(l)(p)~~ Any emergency spill or emergency overflow containment storage tank system that is emptied as soon as possible after use, and that routinely remains empty;

~~(q) Any flow-through process tank system. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility;~~

~~(m)(r)~~ Any storage tank system, liquid trap, or associated gathering lines directly related to oil or gas production and gathering operations regulated by Chapter 377, F.S.; however, this exclusion does not apply to storage tanks that contain refined products;

~~(n)(s)~~ Any eEquipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift or fluid tank systems that hold hydraulic fluid for closed-loop mechanical systems used to operate lifts,

elevators, and other similar devices and cooling oil (dielectric fluid) systems used for electrical equipment and electrical equipment tank systems;

(o)(t) Any pipeline, piping and “break-out” tanks directly connected to the pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations facilities;

(p)(u) Any storage tank system containing radionuclides or that is part of an emergency generator system for nuclear power generation at facilities regulated by the Nuclear Regulatory Commission under 10 C.F.R. Part 50 Appendix A;

(q)(v) Any vVapor recovery holding tanks and associated vapor recovery piping systems; or

(r) Any storage tank system containing biofuel that has a concentration of regulated substance of five percent or less by volume.

(w) Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 5 of NFPA 30.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.300, Amended 7-13-98, 6-21-04,_____.

62-761.350 Operator Training and Certification (Reserved for Rulemaking)

62-761.400 Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) A completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the Department no later than 10 days after installation notification to the County pursuant to Rule 62-761.405, F.A.C. Copies of the Registration Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(c) A completed Form 62-761.900(5), Underground Storage Tank System Installation and Removal Form for Certified Contractors (Certified Contractors Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the County no later than **2110** days after installation of a storage tank system. Copies of the Certified Contractors Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or, www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

Additional time is needed for completing the paperwork. All states and local governments have different reporting, permitting, and paperwork requirements, and industry needs additional time to complete and manage the effort.

(2) For change in service status or closure pursuant to Rule 62-761.800, F.A.C.:

(a) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days after completion of the change in service status.

(b) A completed Certified Contractors Form shall be submitted to the County in paper or electronic format no later than 10 days after removal of a storage tank system.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

(3) Financial responsibility.

(a) Any change in the owner or operator of a facility or of a storage tank system.

(a) General requirements.

1. The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance. Financial responsibility is only required for tanks containing petroleum or petroleum products. Financial responsibility is the ability to pay for corrective action and third party liability resulting from a discharge at the

facility.

2. ~~The demonstration of financial responsibility shall be made by the owner or operator in accordance with C.F.R. Title 40, Part 280, Subpart H.~~

3. ~~Financial responsibility requirements for petroleum storage systems containing petroleum products may be supplemented by participation in the Florida Petroleum Liability Restoration and Insurance Program to the extent provided by Section 376.3072, F.S.~~

4. ~~Notwithstanding the owner's or operator's financial responsibility status, the owner or operator may, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.~~

(b) Any change or correction in the information reported in the Registration Form. A change within the same blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);

(b) The minimum requirements for financial responsibility for USTs containing petroleum or petroleum products shall be the same as provided by C.F.R. Title 40, Part 280, Subpart H.

(c) A change from a regulated substance to a non-regulated substance; and

(d) The discovery of an unregistered storage tank system.

(1) General registration requirements.

(a) The owner or operator of any facility, or the owner or operator of a storage tank system shall register the storage tank system with the Department on Form 62-761.900(2).

(b) A completed registration form shall be submitted to the Department no later than 30 days after regulated or hazardous substances are put into any new storage tank system.

(4)(2) Registration fees.

(a) Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all registered storage tank systems required to be registered. Registration fees except for storage tank systems that have been properly closed in accordance with subsection 62-761.800(2), F.A.C., will no longer be due once any outstanding fees have been paid.

(b) A registration fee of \$50.00 per tank or vessel shall be submitted for each initial registration of a storage tank system. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(c) A renewal fee of \$25.00 per tank shall be paid to the Department for each storage tank system not meeting the closure requirements of subsection 62-761.800(2), F.A.C. by July 1 each year.

(d) A replacement fee of \$25.00 per tank shall be paid to the Department for each tank that is replaced for the purpose of facility upgrading, within 30 days after receipt of an invoice by the Department.

(e) A late fee of \$20.00 per tank shall be paid to the Department for any renewal that is received after July 31.

(f) Upon receipt of payment of all applicable initial registration fees and annual renewal fees, each facility shall receive a valid registration placard, pursuant to Section 376.3077, F.S. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the storage tank system is located. Posted on the Department website will be information regarding those motor fuel facilities who have not timely paid their registration fees. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the tank is located.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-761.400(4)(f), F.A.C., no motor fuel may be deposited into a storage tank required to be registered pursuant to this Rule. Facility owners, operators and suppliers are each responsible for compliance with this provision.

(6) Revocation of Registration Placard. (Reserved for Rulemaking)

(7) Delivery prohibitions. (Reserved for Rulemaking)

Rulemaking Specific Authority 376.303, 376.322(2) FS. Law Implemented 376.303, 376.309, 376.323, 376.3077 FS. History—New 12-10-90, Formerly 17-761.400, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.405 Notification.

(1) For Installations:

(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction will begin.

(b) Notification shall be received by the County in writing or electronic format between 30 and 45 days before installation of a storage tank system or system component unless the County agrees to a shorter time period.

(c) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the installation work to confirm the date and time of the scheduled activities.

(2) For change in service status closure, or closure evaluation:

(a) Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period.

(b) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the initiation of the work to confirm the date and time of the scheduled activities.

(3) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 72 hours; however an INF need not be submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-761.430, F.A.C., confirms that a discharge did or did not occur. Copies of the INF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(4) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 24 hours. Copies of the DRF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.
Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.450, 62-761.450, Amended 9-30-96, 7-13-98, 6-21-04.

62-761.420 Financial Responsibility.

(1) Financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum or petroleum product at the facility.

(2) The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department for all storage tank systems until they are properly closed. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance.

(3) The demonstration of financial responsibility for storage tank systems shall be made available for inspection by the Department or the County and shall be in accordance with Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST) – Financial Responsibility, Title 40, Part 280, Subpart H, July 2008, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and is available from the address given.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.309 FS. History—New

62-761.430 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rule 62-761.600, F.A.C.:

1. Any visual inspection of a storage tank system that reveals ~~signs of corrosion~~, cracks, structural damage, leakage, or other similar problems;

The “signs of corrosion” language is too vague and subjective. Structural damage should cover any corrosion that is significant.

2. Any visual observation of regulated substances in a piping or dispenser sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained, or that liquid ~~other than small amounts of condensate~~ has been detected by a sensor in a normally dry interstice;

Condensate is often present and unavoidable

4. Any visual observation that indicates that liquid monitoring levels are not being maintained;

5. Any vacuum or pressure change of ~~50% 10%~~ from one month to the next, or any cumulative change of vacuum or pressure exceeding ~~50% 10%~~ of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge;

Existing levels in the rule are not practical and not good indicators of a loss of vacuum

6. Any visual inspection that indicates the presence of water ~~other than small amounts of condensate~~ and/or regulated substances in the interstice;

Same as previous comment

7. Any instance where a mechanical line leak detector is restricting flow;

8. Any instance where an electronic line leak detector has shut off power to the pump;

9. Any instance where a monitoring device has shut off the pump; and

10. Liquid in excess of one inch in an out-of-service storage tank.

(b) A failed integrity test for the following components;

1. Double-walled storage tanks;

2. Double-walled integral piping;

3. Piping sumps;

4. Dispenser sumps; and

5. Spill containment systems.

(c) Other unusual operating conditions, such as the erratic behavior of product dispensing equipment, the sudden loss of product from a storage tank system, or any unexplained presence of water in a tank or an interstitial space;

(d) The presence of odors of a regulated substance from surface water or groundwater, soil, basements, sewers and utility lines at a facility; and

(e) The loss of a regulated substance from a storage tank system, such as from an overfill, exceeding 25 gallons on impervious surfaces, other than secondary containment, provided that the loss does not come in contact with pervious surfaces.

(2) If an incident occurs at a facility, actions shall be taken within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

(3) Notification of the discovery of any incident shall be made to the County in writing or electronic format on an INF within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

(4) In cases where an INF is required to be submitted, the investigation shall be completed within 14 days of the date of discovery of the incident to determine if a discharge has occurred. Incident investigations that require additional time can be extended with the written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period, or at the end of the alternate time period approved by the Department or the County to investigate the incident, either a DRF or a written confirmation and explanation that the incident was not a discharge shall be submitted to the County in writing or electronic format.

(6) The removal of any spill or loss of regulated substance into secondary containment shall be initiated within three days of discovery, and completed within thirty days of discovery.

(7) If a discharge is discovered at any time during the incident investigation, the discharge shall be reported on a DRF within 24 hours of discovery or before the close of the next business day, and a discharge response shall be initiated in accordance with subsection 62-761.440(6), F.A.C.

(8) All incidents, regardless of whether an INF is required to be submitted, shall be documented and records kept until storage tank system closure in accordance with Rule 62-761.710, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New

62-761.440 Discharges.

(1) Discharges include:

(a) Laboratory analytical results of surface water or groundwater samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C.;

(b) Laboratory analytical results of soil samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C. that exceed the lower of direct exposure residential or leachability based on groundwater criteria cleanup target levels in Chapter 62-777, F.A.C.;

(c) The presence of free product, a visible sheen, sludge, or emulsion of a regulated substance, or a regulated substance that is visibly observed in soil, on or in surface water, in groundwater samples, on basement floors, in open drainage ditches, in open excavations or trenches, in subsurface utility conduits or vaults, or in sewer lines at the facility; and

(d) A spill or overfill of a regulated substance to a pervious surface.

(2) Upon discovery of a discharge, the owner or operator shall report the discharge to the County on a DRF within 24 hours or before the close of the County's next business day.

(3) Copies of laboratory analytical results that confirm a discharge shall be submitted to the County within 24 hours of receipt of the results or before the close of the next business day in writing or electronic format.

(4) A request for a retraction of a submitted DRF shall be submitted to the County or the Department in writing or electronic format if evidence is presented that a discharge did not occur at the facility.

(5) A DRF does not need to be submitted:

(a) For a discharge that was previously reported to the appropriate County on a DRF;

(b) For petroleum or petroleum product de minimis discharges in accordance with Rule 62-780.560, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in the following document which is hereby adopted and incorporated by reference, and is available from the address given: Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001; or

(c) For de minimis discharges in accordance with Rule 62-780.550, F.A.C., unless the pollutant has a more stringent reporting requirement specified in Title 40, Part 302.

(6) Discharge response.

(a) When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:

1. Fire, explosion, and vapor hazards shall be identified and mitigated;

2. Actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (e.g., Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with Chapter 62-780, F.A.C.;

3. Each component of the storage tank system shall be integrity tested within three days of discovery of the discharge if the source and/or cause of the discharge is unknown;

4. The storage tank system component that is discharging shall be isolated from the system within three days of discovery of the discharge. If the component cannot be isolated from the system, within three days of discovery of the discharge the storage tank system shall not operate, dispense, or accept deliveries, or shall be placed out-of-service in accordance with Rule 62-761.800, F.A.C., until the component can be repaired or replaced;

5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-761.700, F.A.C.;

6. If the storage tank system component that was found to be discharging will be replaced, it shall meet the storage tank system requirements in accordance with Rule 62-761.500, F.A.C.; and

7. If the storage tank system component that was found to be discharging will not be repaired or replaced, the storage tank system, if not already out-of-service, shall be placed out-of-service within 90 days or be closed in accordance with Rule 62-761.800, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New

62-761.450 Notification and Reporting.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.450, Amended 9-30-96, 7-13-98, 6-21-04., Repealed

Substantial rewording of Rule 62-761.500, F.A.C., follows. See Florida Administrative Code for present text.

62-761.500 ~~Performance Standards for Category C Storage Tank Systems~~ Requirements.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substance and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

3. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

4. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, hydrant sumps, and dispenser sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

a. Twenty-four hours for field-fabricated components; or

b. Three hours for factory-made components.

5. An interstitial integrity test shall be performed on the storage tank after it is delivered to the **or installed at the** facility and before the storage tank is placed into service. This test shall be performed in accordance **with manufacturer's requirements and** with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition, Petroleum Equipment Institute (PEI), Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, and Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380.

This is an important addition that will require testers to follow manufacturer's protocols and should prevent testers from damaging our customers tanks

6. An interstitial integrity test shall be performed on integral piping in accordance with PEI/RP100-11 and PEI/RP1200-12 before the integral piping is placed into service.

7. An interstitial integrity test shall be performed on double-walled spill buckets or double-walled sumps in accordance with PEI/RP1200-12 before the component is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-761.210(2)(d), F.A.C. Cathodic protection test stations shall provide direct access to the soil in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-761.700(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

4. Cathodic protection is not required for any underground storage tanks with field-fabricated internal secondary containment that is self-structural without any structural support from the host tank.

Tank Tech's Stand-Alone System is approved by the FDEP and is a self-

structural system constructed with non-corrosive materials within a host tank. It is comparable with a UL 1316 tank, and has a UL 1316 listing.

(d) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with the regulated substances stored in the storage tank systems.

(e) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(f) All storage tank systems shall be installed in accordance with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070.; Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Process Piping, B31.3-2004, 2012 Edition, ASME International (founded as the American Society of Mechanical Engineers), Published by ASME, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900; and PEI/RP100-11. **Storage tanks with field-fabricated internal secondary containment shall be installed in accordance with manufacturer's specifications, UL 1856, and NLPA 631.**

This is needed for the reference standards associated with our systems.

(g) A Certified Contractor shall perform the installation of storage tank systems containing pollutants, including tanks, integral piping (excluding drop tubes), overfill protection and spill containment equipment, internal release detection equipment, cathodic protection systems, secondary containment systems, and dispensing systems, if the installation of the storage tank system component disturbs the backfill, or where the integral piping is connected or disconnected during installation.

(h) Whenever storage tanks and/or integral piping are installed, modified or relocated after the effective date of this rule, Record Drawings ("as-builts"), signed and sealed by a professional engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-761.710, F.A.C. The as-built drawing shall include all construction and equipment design specifications including exact dimensions, geometry, and locations of the storage tanks and/or integral piping, of the work completed under contract, and any changes made to the original specifications during the construction process. **As-built drawings are not required for tanks that are installed or retrofitted with internal secondary containment.**

Internal secondary containment systems are installed within the existing footprint of the tank farm and have no effect on the location of the tanks

(2) Storage Tanks.

(a) All storage tanks at a facility shall have secondary containment and shall be constructed or installed to provide for interstitial monitoring of the entire storage tank.

(b) Fiberglass reinforced plastic double-walled tanks shall be constructed in accordance with the following document, Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference and available at the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(c) Cathodically protected double-walled steel tanks shall be:

1. Constructed in accordance with the following documents, or as applicable: Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, and External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and are available from the addresses given;

2. Constructed in accordance with the following document, sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and is available from the address given; or

3. Certified by a Nationally Recognized Testing Laboratory for any field-installed cathodic protection system, that these requirements are met, constructed and designed by a Corrosion Professional in accordance with the following document, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference, and is available from the address given.

(d) Double-walled steel tanks coated with a fiberglass reinforced plastic composite shall be constructed in accordance with UL 58 and UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(e) Underground storage tanks with field-fabricated internal secondary containment shall be:
1. Installed in accordance with manufacturer's specifications and NLPA 631 and UL 1856;
2. Either be a self-structural design that has no structural contribution from the host tank, or a co-structural design that has shared structural support from the host tank with the retrofit system; and
3. Must be registered in accordance with Rule 62-762.850(2), F.A.C.

Makes it clear to owners and operators that field-fabricated systems are acceptable to the Department.

(e) Double-walled storage tanks that meet the above performance requirements, that are constructed of equivalent material, have an equivalent design, or are corrosion protected shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.

(f) Tanks shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(g) Double-walled storage tanks that have been removed and that are to be reinstalled at a different location shall:

1. Be recertified that all original warranties are confirmed by the original manufacturer or the manufacturer's successor, and be reinstalled in accordance with the requirements in this section; or

2. Be recertified by a professional engineer licensed in the state of Florida that the storage tank meets all applicable requirements of this section; and

3. Proof of recertification shall be provided to the Department and County prior to the start of installation. The storage tank shall be re-registered in accordance with subsection 62-761.400(1), F.A.C.

(3) Integral piping.

(a) All integral piping, including remote fill piping that is in contact with the soil shall have secondary containment; or

(b) All integral piping that transports regulated substances over surface waters of the state shall have secondary containment and shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials; or

(c) All integral piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-761.500(3)(d)2. through 4., F.A.C., shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials.

(d) Construction requirements.

1. Fiberglass reinforced plastic integral piping or other non-metallic double-walled integral piping installed in contact with the soil at a facility shall meet the requirements of Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and is available from the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-761.850(2), F.A.C.

2. Coated steel double-walled integral piping shall be constructed in accordance with ASME B31.3. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; Control of External Corrosion

on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906; and Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and available from the addresses given.

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, Piping Systems.

4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.

(e) Integral piping shall be installed with a slope to a low point monitoring system to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(f) Pressurized integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, Requirements for Dispensing Devices. These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-12 at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.

(g) All storage tanks located at an elevation that produces a gravity head on the dispenser or on integral piping positioned below the product level in the storage tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, Tank Openings Other Than Vents, and located as close as practical to the storage tank. In addition, anti-siphon valves for suction and pressurized systems with dispensers that are subject to NFPA 30A, shall be installed and maintained in accordance with Section 11.2 of NFPA 30A, Marine Fueling - Storage. Storage tank systems without dispensers shall be installed with valves that will prevent the tanks from emptying if there is a leak or break in the integral piping.

(4) Spill containment systems.

(a) Storage tank systems shall be installed with a spill containment system at each tank fill connection meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C..

(b) Fillbox covers shall be marked or the fill connection tagged in accordance with Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference, and is available from the address given, or with an equivalent method approved by the Department in accordance with subsection 62-761.850(1), F.A.C.

(c) Spill containment systems, including double-walled spill containment systems, shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(5) Dispensing systems and dispenser sumps.

(a) The dispensing system used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30 and Chapter 6, Fuel Dispensing Systems; Chapter 9, Operational Requirements; and Chapter 11, Marine Fueling of NFPA 30A.

(b) Dispensers shall be installed with a dispenser sump meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C. The dispenser sump shall extend beneath the union of the integral piping and the dispenser, including the shear valve, if applicable.

(c) Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(6) Piping sumps.

(a) Piping sumps shall meet the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and be registered in accordance with subsection 62-761.850(2), F.A.C. The sumps shall be designed, constructed, and installed to minimize water entering the sump.

(b) Piping sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(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.

(b) Storage tank systems shall be equipped with an overfill device that:

1. Automatically shuts off flow to the storage tank when the storage tank is no more than 95% full;
2. Restricts flow to the storage tank when the storage tank is no more than 90% full and does not fill the storage tank beyond 95% capacity. Vent restriction devices such as ball float valves shall not be installed at facilities after *(the effective date of the rule)* unless the storage tank system meets the requirements of Section 7 of PEI/RP 100-11, UST Overfill Equipment Verification, Inspection and Testing; or
3. Alerts the transfer operator when the tank is no more than 90% full by triggering an alarm and does not fill the tank beyond 95% capacity.
- (c) Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.
- (d) Storage tank systems with capacities of 2000 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% capacity.
- (e) Overfill devices shall be registered in accordance with subsection 62-761.850(2), F.A.C.
- (f) New day tanks shall be installed with an overfill protection system that returns the regulated substance to the storage tank from the day tank through separate integral piping.
- (g) All new float control valves installed on day tanks and all overfill alarms on storage tanks shall be tested annually at intervals not exceeding 12 months to demonstrate the float control valve or alarm is operating as designed. These records shall be kept for five years in accordance with Rule 62-761.710, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.500, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.510 Performance Standards for Category-A and Category-B Storage Tank Systems

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303-.3072 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.510, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.600 Release Detection Requirements Standards.

- (1) General requirements.
- (a) Storage tank systems shall have a method, or combination of methods, of release detection that:
 1. Can detect a new release from any portion of the storage tank system;
- (b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-761.800(2), F.A.C.
- (c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring. *Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, and visual release detection methods.*

Makes it clear to owners what types of systems they can use.

2. Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability to ensure that the device is functioning as designed; and
3. Meets the applicable performance standards in Rule 62-761.640, F.A.C. All manufacturer's instructions, and the performance claims and their manner of determination described in writing by the equipment manufacturer or installer shall be retained for as long as the storage tank system is used.
- (b) A release detection response level shall be described in writing for each method or combination of methods of release detection used for a storage tank system.
- (c) A release detection method shall be established and provided for all storage tank systems upon installation.
- (d) Except as otherwise specified in this Rule Rules 62-761.600-.640, F.A.C., the release detection method or combination of methods used at a facility shall be performed at least once every a calendar month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.
- (e) Visual inspections. Every component of a storage tank system that can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-761.710, F.A.C. Any visual inspection of a storage tank system that reveals *signs of corrosion*, cracks, structural damage, leakage, or other similar problems is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. Repairs shall be made in accordance

with Rule 62-761.700, F.A.C. A visual inspection is not required for any system component using an electronic release detection method. At least once a month, but not exceeding 35 days, any storage tank and component of a storage tank that can be inspected visually shall be visually inspected in accordance with paragraph 62-761.640(2)(e), F.A.C. A visual inspection is not required for any system component that has a continuous or monthly electronic release detection sensor. Continuous electronic leak detection devices shall be inspected for proper operation on a monthly basis. Inspection may consist of visual observation or remote verification of proper operation.

As previously mentioned, "signs of corrosion" is far too subjective and vague.

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-761.700(3), F.A.C.; and

2. Registered in accordance with subsection 62-761.850(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered. A site suitability determination shall be performed for UST systems by December 31, 1998, in accordance with paragraphs 62-761.640(2)(a)-(d), F.A.C., for storage tank systems using groundwater or vapor monitoring wells for release detection. If the site suitability determination indicates that on-site conditions are unsuitable for external monitoring, another method of release detection must be used.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to potential releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results. Vapor monitoring plans shall be performed by December 31, 1998, for UST systems, in accordance with paragraph 62-761.640(2)(d), F.A.C., for storage tank systems using vapor monitoring for release detection.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable. Any component of a storage tank system with secondary containment shall have an interstitial monitoring method meeting the requirements of paragraph 62-761.640(3)(a), F.A.C.

(i) Storage tank systems that store fuel solely for use by emergency power generators shall comply with the release detection requirements of Rule 62-761.600, F.A.C., within 90 days of the effective date of the Rule. Pressurized piping, excluding bulk product piping, shall be equipped with a line leak detector that meets the standards of paragraph 62-761.640(4)(a), F.A.C. Gravity piping systems are exempt from this requirement.

(2) Storage Tanks.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels can not be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual

alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response, and except for liquids confirmed as small amounts of condensate, the ~~The~~ positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

See previous comments about condensate...

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Vacuum or pressure readings shall be able to detect a ~~50~~ **50.40**% change from one month to the next, or any cumulative change of vacuum or pressure exceeding ~~50~~ **50.20**% of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-761.850(2), F.A.C. Any change indicated above is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

See previous comments about vacuum...

b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water and/or regulated substances in the interstice **other than small amounts of condensate** is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

See previous comments about condensate...

8. Visual monitoring of liners. This method shall be able to detect the presence of liquid at a low point of the liner. The accumulation of water or condensation in the low point of the liner shall not interfere with the ability to detect regulated substances. Any presence of regulated substances in the liner is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(3) Integral piping with secondary containment.

(a) One or more of the release detection methods in subsection 62-761.600(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter 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. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and restrict flow within one hour. Any instance where the mechanical line leak detector is restricting flow is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of ten gallons within one hour and shutting off the pump. Any instance where the monitoring device has shut off the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and

investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(4) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing Laboratory.

(5) Records shall be kept for ~~three~~**five** years in accordance with Rule 62-761.710, F.A.C.

Three years for keeping records is consistent with the federal law for inspection frequency.

(j) Any storage tank system not provided with a method, or combination of methods, of release detection in accordance with this section, shall be closed in accordance with subsection 62-761.800(2), F.A.C., by the date upon which release detection is to be provided.

(k) Groundwater and vapor monitoring wells meeting the standards for external monitoring specified in paragraphs 62-761.640(2)(a)-(d), F.A.C., that are no longer used for release detection, shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 2010. Wells not meeting these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are:

1. Used for contamination assessment purposes as specified in paragraph 62-761.600(2)(d), F.A.C.; or
2. Required by rules adopted by a County government in accordance with Section 376.317, F.S.

(2) By December 10, 1990, vehicular fuel petroleum storage tank systems of greater than 550-gallon capacity shall be provided with release detection. Release detection for all other storage tank and integral piping systems in contact with the soil shall be provided by December 31 of the year shown in Table RD.

TABLE RD

Year Storage Tank System Installed	Year Release	Detection Required			
Before 1970 or unknown	P/RD	1991	1992	1993	
1970-1974	P	RD			
1975-1979	P		RD		
1980-1990	P			RD	

P = Installation of Release Detection for Pressurized Piping

RD = Installation of Release Detection for Tanks and Suction Piping.

(3) Effective December 31 of the applicable year specified under the schedule in Table RD, any groundwater monitoring plan or spill prevention control and countermeasure plan implemented before December 22, 1990, shall be capable of detecting the leak rate or quantity specified in paragraph 62-761.640(1)(a), F.A.C.

(4) UST systems that store fuel solely for use by emergency power generators are not required to comply with the release detection standards of Rules 62-761.600 through 62-761.640, F.A.C.

(5) Monitoring wells shall meet the standards of subsection 62-761.640(2), F.A.C., by December 31, 1998. Wells that do not meet these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are required by a rule that was adopted by a County government in accordance with Section 376.317, F.S. However, if a monitoring well is used solely for the purpose of monitoring petroleum contamination in accordance with Chapter 62-770, F.A.C., the well does not have to be closed until the completion of the site rehabilitation pursuant to Chapter 62-770, F.A.C. Covers of leak detection monitoring wells redesignated as site assessment wells by the facility owner or operator shall be colored black with a white circle within the black background. The diameter of the white circle shall be approximately one-half the diameter of the manhole cover, or approximately four inches.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History—New 12-10-90, Formerly 17-761.600, Amended 7-13-98, 6-21-04, _____.

62-761.610 Release Detection Methods

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.610, Amended 9-30-96, 7-13-98, 6-21-04, Repealed.

62-761.640 Performance Standards for Release Detection Methods

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.640, Amended 9-30-96, 7-13-98, 6-21-04, Repealed.

Substantial rewording of Rule 62-761.700, F.A.C., follows. See Florida Administrative Code for present text.

62-761.700 Repairs, Operation and Maintenance of ~~Storage Tank Systems~~.

(1) Repairs.

(a) Repairs shall be performed, as necessary, if any component of a storage tank system has:

1. A release or contributed to a release of a regulated substance; or
2. **Other than small amounts of condensate, an An** operational or structural problem that could potentially result in a release, or lead to the presence of water in the interstice of a double-walled storage tank or integral piping.

(b) The storage tank system shall immediately cease operating, dispensing, and/or accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and
2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shut down of electrical generating units serviced by the storage tank system.

(c) Repairs shall be made:

1. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure or corrosion for the remaining operational life of the storage tank system; and
2. In accordance with manufacturer's specifications and applicable reference requirements.

(d) **If repairs are needed for any primary or secondary tank or piping system walls, or any interstitial spaces of storage tank system components, the repaired** ~~Repaired~~ components shall be integrity tested for liquid tightness before being placed back into operation.

Makes it clear that the testing is only for interstitial spaces, and for repairs associated with interstitial spaces.

(2) Cathodic protection.

(a) Cathodic protection systems shall be operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory-installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in NACE International Standards SP0169-2007 and SP0285-2011, as applicable. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

2. Storage tank systems with impressed current systems shall be inspected at intervals not exceeding two months. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 1440 hours in one year shall be immediately taken out-of-service and within 30 days, and assessed by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria.

(c) Records of the continuous operation of impressed current systems and all cathodic protection inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-761.710(3)(c), F.A.C.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1. Be repaired within 30 days in accordance with subparagraph 62-761.700(2)(b)1., F.A.C., or

2. Be closed in accordance with subsection 62-761.800(2), F.A.C.

(3) Operation and maintenance.

(a) Integrity testing.

1. The integrity of secondary containment systems and interstitial spaces **of storage tank systems installed after the effective date of the rule** shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications ~~and/or~~ PEI/RP1200-12. **The test shall be performed after installation and before the system is put into operation, and at any time thereafter if the primary or secondary walls of the storage tank system are repaired before the system is put back into service. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed accordance with the following schedule:**

a. ~~Double-walled storage tanks shall be tested by January 1, 2015, and every five years thereafter;~~

b. ~~The interstice of double-walled integral piping by January 1, 2015, and every five years thereafter;~~

c. ~~Below grade piping sumps by January 1, 2015, and every five years thereafter;~~

d. ~~Below grade dispenser sumps by January 1, 2015, and every five years thereafter;~~

e. ~~Double-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter;~~

f. ~~Single-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter; and~~

g. ~~Single-walled storage tanks or integral piping installed within liners are exempt from this requirement.~~

Improper integrity testing of factory-made USTs and field-fabricated USTs has caused hundreds of tanks to be damaged and has cost the industry hundreds of thousands of dollars. No discharges have been documented, but the potential for contamination is there if a Breach of Integrity Test has been improperly performed. Tank Tech strongly urges DEP to eliminate this dangerous and costly requirement that has caused significant problems and has not provided any post-installation protection to the environment.

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level four inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket. The secondary containment system shall be deemed tight if the water level remains stationary for a three hour period.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(b) Water removal.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substance collected in secondary containment, spill containment systems, or in piping sumps and dispenser sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 3-12-91, Formerly 17-761.700, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.710 Recordkeeping.

(1) All records shall be dated, maintained in permanent form, and available for inspection by the Department or County. If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon five working days of the Department's request notice. ~~Site access to the facility shall be provided for compliance inspections conducted at reasonable times.~~

(2) Records of the following are required to be kept for ~~three~~**five** two years:

See previous comment about recordkeeping

- (a) Measurements and reconciliations of inventory, as applicable;
- (b) Repair, operation, and maintenance records;
- ~~(b)(c)~~ All release detection results, including electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraph 62-761.600(1)(e) 62-761.640(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;
- ~~(c)(d)~~ All test data and results gathered during annual operability tests and integrity tests Release detection response level descriptions; and
- ~~(d)(e)~~ A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-761.850, F.A.C.;
- ~~(f)~~ Certification of Financial Responsibility on Form 62-761.900(3);
- ~~(g)~~ Records of the types of fuels stored per tank; and
- ~~(h)~~ The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.
- (3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:
 - (a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment Results of internal inspections and non-destructive testing;
 - (b) Any performance claims for release detection equipment described in writing by the equipment manufacturer or installer;
 - ~~(c)~~ Records of storage tank system installations, replacements, recertifications, and upgrades;
 - ~~(c)(d)~~ Records of installation, maintenance, inspections, and testing of cathodic protection systems in accordance with NACE standards;
 - ~~(d)(e)~~ Record drawings ("as-builts") as specified in paragraph 62-761.500(1)(h), F.A.C. Site suitability determinations in accordance with subsection 62-761.640(2), F.A.C.;
 - ~~(e)(f)~~ A copy of all INFs, and the results of all incident investigations as specified in Rule 62-761.430, F.A.C. Vapor monitoring plans and all records kept pursuant to the plan;
 - ~~(f)(g)~~ A copy of all DRFs Closure assessment reports if the location continues as a facility; and
 - ~~(g)(h)~~ A copy of all Closure Reports, as referenced in paragraph 62-761.210(2)(c), F.A.C., if the location continues as a facility Verification from a Certified Contractor of the existence of a single check valve beneath the suction pump for suction piping systems.
- (4) Records to demonstrate financial responsibility shall be maintained until storage tank system closure.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.322 FS. History--New 12-10-90, Formerly 17-761.710, Amended 9-30-96, 7-13-98, Repromulgated 6-21-04, _____.

62-761.800 Out-of-Service and Closure Requirements.

- (1) Out-of-service storage tank systems.
 - (a) General.
 - 1. Storage tank systems that are taken out-of-service, as required in this subsection as defined in subsection 62-761.200(40), F.A.C., shall continue to be maintained in accordance with this Chapter unless otherwise noted herein.
 - 2. Facility owners and operators of out-of-service storage tank systems shall:
 - a. Continue to operate and maintain corrosion protection in accordance with subsection paragraph 62-761.700(2)(4)(b), F.A.C.;
 - b. ~~Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-761.640(2), F.A.C.;~~
 - c. Leave vent lines open and functioning;
 - cd. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of regulated substances remains in the storage tank Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and
 - de. Secure or close off the system to outside access.

See previous comment about retaining the 0.3 percent by weight

32. Facility owners and operators of out-of-service storage tank systems shall monitor the interstice and the liquid level in the storage tank annually but not to exceed 12 months. Records of these inspections shall be maintained in accordance with subsection 62-761.710(2), F.A.C. In the event that liquid in excess of one inch in the storage tank or any liquid in the interstice is discovered, **facility owners and operators must follow the procedures for suspected incidents an INF must be submitted in writing or electronic format and an investigation as to the cause performed** pursuant to Rule 62-761.430, F.A.C. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.

Seems more appropriate to have the owner follow the incident investigation procedure first before submitting an INF.

43. Release detection device annual operability testing, containment and **interstitial** integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. **In addition, storage tank systems that have been out of service for more than 365 days shall perform interstitial integrity testing of the storage tank and integral piping before adding regulated substances to the storage tank system.** Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out of service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-761.800(2), F.A.C.

See previous comments about removing requirements for post-installation integrity testing.

54. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with subsection 62-761.800(2), F.A.C. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., as applicable, on any systems being returned to service.

(b) Before being returned to service, the following tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., for systems that are taken out of service for more than 180 days:

1. A tightness test for single-walled systems; or
2. A breach of integrity test for double-walled Category C systems.

(c) Single-walled systems that are taken out of service shall not be kept out of service longer than two years for corrosion-protected systems or one year for unprotected bare steel systems. After the end of these time periods, the systems shall either be upgraded or permanently closed.

(2) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: ~~General.~~

1. A storage tank system that is out-of-service or has not had regulated substances added to or withdrawn from the system for more than ~~Closure of storage tank systems shall be performed by:~~

- a. ~~Two years for single-walled storage tank systems; or Removing all liquids and accumulated sludges;~~
- b. ~~Ten years for storage tank systems with secondary containment. Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~
- c. ~~Closing the storage tank system in accordance with paragraphs 62-761.800(2)(b), F.A.C., as applicable; and~~
- d. ~~Conducting a closure assessment in accordance with subsection 62-761.800(3), F.A.C.~~

2. A storage tank system that fails to meet the requirements of Rule 62-761.500, F.A.C. After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

3. A storage tank system that requires repair pursuant to Rule 62-761.700, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter. ~~Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-761.600(1)(k), F.A.C.~~

(b) ~~Closure of storage tank systems shall be performed by: Unmaintained systems shall be permanently closed~~

within 90 days of discovery.

~~(c) System removal, closure in place, and disposal shall be performed:~~

1. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes; in accordance with API RP 1604 and NFPA 30; and

2. Removing or disconnecting and capping all integral piping; By a Certified Contractor if the system is removed from the ground, unless it is closed in place by filling it with a solid inert material of sufficient density to prevent a structural collapse of the closed system.

3. Removing and disposing of a storage tank by a Certified Contractor, or in-place closure by filling the storage tank with a solid inert material of sufficient density to prevent a structural collapse of the closed storage tank, which shall be in accordance with the following documents hereby adopted and incorporated by reference, and available from the addresses given. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, and Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C). In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances in accordance with API RP 1604. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities; and

4. Conducting a Closure Evaluation and preparing a Closure Report, as referenced in paragraph 62-761.210(2)(c), F.A.C., in accordance with subsection 62-761.800(3), F.A.C.

(c) The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements.

(3) Closure Report and Evaluation Requirements, as referenced in paragraph 62-761.210(2)(c), F.A.C. Closure assessment of storage tank systems.

(a) Closure Report At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.

1. A Closure Report is always required and shall be completed in accordance with the Department's "Storage Tank System Closure Guidelines - Closure Evaluation Guidance," specified in paragraph 62-761.210(2)(c), F.A.C., at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components in contact with the soil If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.

2. A Closure Report (including a Closure Evaluation, as required), shall be submitted in writing or electronic format to the County within 60 days of completion of any of the activities listed in subparagraph 62-761.800(3)(a)1., F.A.C. Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

(b) Closure Evaluation. In addition to a Closure Report, all storage tank systems in contact with the soil must perform a Closure Evaluation according to the Department's "Storage Tank System Closure Guidelines - Closure Evaluation Guidance" specified in paragraph 62-761.210(2)(c), F.A.C. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP's "Storage Tank System Closure Assessment Requirements";

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure; and

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-761.640(3)(a), F.A.C.;

(c) Closure assessment sampling and analysis shall be conducted according to DEP's "Storage Tank System Closure Assessment Requirements."

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-761.800(3)(a), F.A.C. The report shall include sample types, sample locations and

measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP's "Storage Tank System Closure Assessment Requirements."

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.

Tank Tech has several concerns with the Closure Section of the Rule and needs additional time to interpret how these changes will affect their business, particularly in light of the differences between Florida rules and many other states that rely on the federal UST rules. It is our understanding that DEP stated at the December 17 workshop that FDEP would be holding a separate workshop just on the Closure requirements. Tank Tech supports this and would like to reserve the opportunity to submit additional comments.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.30716 FS. History--New 12-10-90, Formerly 17-761.800, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.820 Incident and Discharge Response.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-761.820, Amended 9-30-96, 7-13-98, 6-21-04, Repealed.

62-761.850 Alternative Procedures Requirements and Equipment Registration Approvals.

(1) Alternative procedure requirements.

(a) Any person subject to the provisions of this Chapter may request in writing a determination by the Secretary or the Secretary's designee that any requirement of this Chapter shall not apply to a regulated storage tank system at a facility, and shall request approval of alternative ~~alternate~~ procedures or requirements.

(b) On Form 62-761.900(4), Alternative Requirement or Procedure Form, effective date, (the effective date of the rule), hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, ~~t~~The request shall set forth at a minimum the following information:

1. The specific storage tank system or facility for which an exception is sought;
2. The specific provisions of this Chapter 62-761, F.A.C., from which an exception is sought;
3. The basis for the exception;
4. The alternative procedure or requirement for which approval is sought;
5. Documentation that demonstrates that the alternative procedure or requirement provides an equivalent or greater degree of protection for the lands, surface waters or groundwaters of the State as the specific provisions of this Chapter from which an alternative procedure is sought ~~established requirement~~; and
6. Documentation that demonstrates that the alternative procedure or requirement is at least as effective as the established procedure or requirement.
7. If an alternative ~~alternate~~ procedure or requirement is not able to be sought under subparagraph 5. or 6., then documentation that demonstrates that the specific provisions of this Chapter from which the exception is sought imposes regulatory costs on the regulated entity that could be reduced through approval of a less costly regulatory alternative or requirement that provides a substantially equivalent degree of protection for the lands, surface waters, or groundwaters of the State as the established requirement.

(c) The Department shall issue an Order either: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(1), F.A.C., are met.

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-761.850(1)(b), F.A.C.; or

2. Denying the request and stating the reason(s) the request does not make an adequate demonstration that the requirements of paragraph 62-761.850(1)(b), F.A.C., have been met.

(d) The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S. ~~The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval.~~

(e) The provisions of this Rule do not preclude the use of any other applicable relief provisions.

(2) Registration of storage tank system equipment and release detection systems and methods ~~Equipment approvals.~~

(a) Owners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods (including equipment and methods that were previously approved by the Department under the former Equipment Approval process) have been registered with the Department. ~~Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:~~

(b) Any storage tank system equipment installed after *(the effective date of the rule)* must be registered with the Department in accordance with this section. Upon discovery, non-registered storage system equipment installed after *(the effective date of the rule)* must be removed within 90 days, unless registration is obtained and listed within the 90 day time period.

(c) Equipment previously approved by the Department under the former Equipment Approval process and installed prior to *(the effective date of the rule)* can continue to be used regardless of later non-renewal or removal of registration from the list of registered storage tank system equipment, provided the equipment is still operating as designed.

(d) Only the storage tank system equipment as stated in this Chapter shall be registered by the equipment manufacturer using Form 62-761.900(3) Storage Tank System Equipment Registration Form, effective date, *(the effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. The following storage tank system equipment is exempt from registration:

1. Dispensers, dispenser islands, nozzles, and hoses;
2. ~~Monitoring well bailers;~~
3. ~~Manhole and fillbox covers;~~
34. ~~Valves and ball float valves;~~
45. ~~Cathodic protection test stations;~~
6. ~~Metallic bulk product piping;~~
57. Small diameter integral piping not in contact with soil, unless the integral piping extends over or into surface waters; and
68. Vent lines.

7. Gauges used for vacuum monitoring

~~(e)(b)~~ Registration ~~Equipment approval~~ requests shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will ~~provide equivalent protection or~~ meet the appropriate performance ~~requirements~~ standards contained in this Chapter. Any approvals or denials received from other states shall be included in the registration approval request to the Department.

~~(f)(e)~~ A third-party demonstration by a Nationally Recognized Testing Laboratory shall be submitted in writing or electronic format to the Department with the application. The third-party demonstration shall provide:

1. A technical evaluation of the equipment;
2. Test results that verify that the equipment will function as designed; ~~and~~
3. A professional certification or determination that the equipment meets the performance ~~requirements~~ standards contained in this Chapter; ~~Rule 62-761.500, F.A.C.~~
4. Integrity test requirements and procedures; and
5. Annual operability testing procedure for the equipment or release detection system or method.

~~(g)(d)~~ Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection and be listed with the National Work Group On Leak Detection Evaluations, <http://www.nwglde.org/>, prior to being used. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(2), F.A.C., are met.

~~(h)(e)~~ The storage tank system equipment and release detection systems and methods registered with the

Department under this subsection must be renewed every five years. Failure to renew will result in removal from the equipment registration list. Any changes, improvements, or modifications to equipment beyond the scope of the original demonstration by the Nationally Recognized Testing Laboratory will require a renewal of the registration and a new demonstration from a Nationally Recognized Testing Laboratory pursuant to paragraph 62-761.850(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) The Department shall place conditions upon the use of the storage tank system equipment and release detection systems and methods, remove equipment or methods from the list of registered storage tank system equipment, or not renew registration based on the information submitted to the Department in accordance with this subsection or if the equipment does not perform in field application as certified in the third party certification by a Nationally Recognized Testing Laboratory.

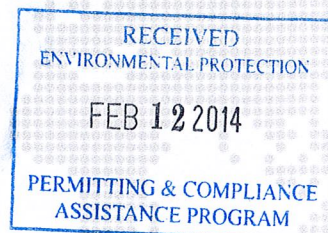
Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.850, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.900 Storage Tank Forms.

The forms used by the Department in the Storage Tank System Program are adopted and incorporated by reference in this section. The forms are listed by form rule number, which is also the form number, and with the subject title, and effective date. Copies of forms are available may be obtained by writing to the Administrator, Storage Tank Regulation Section, Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500 4525, Tallahassee, Florida 32399-2400, or at or online at:
www.flrules.org/Gateway/reference.asp?No=Ref-000### or
<http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

- (1) Form 62-761.900(1) Discharge Report Form, (the effective date of the rule) July 13, 1998.
- (2) Form 62-761.900(2) Storage Tank Facility Registration Form, (the effective date of the rule) July 13, 1998.
- (3) Form 62-761.900(3) Storage Tank System Equipment Registration Form, (the effective date of the rule) Certification of Financial Responsibility, July 13, 1998.
- (4) Form 62-761.900(4) Alternative Requirement or Procedure Form, (the effective date of the rule) July 13, 1998.
- (5) Form 62-761.900(5) Underground Storage Tank Installation and Removal Form for Certified Contractors, (the effective date of the rule) July 13, 1998.
- (6) Form 62-761.900(6) Incident Notification Form, (the effective date of the rule) July 13, 1998.
- ~~(7) Monthly Statistical Inventory Reconciliation (SIR) Report, July 13, 1998.~~
- ~~(8) Limited Closure Summary Report Form, July 13, 1998.~~

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.900, Amended 9-30-96, 7-13-98, Repromulgated 6-21-04,_____.



January 31, 2014

Bill Burns
Permitting and Compliance Assistance Program
Florida Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: M-SCG Comments for Chapter 62-761, F.A.C., and Chapter 62-762, F.A.C.

Dear Bill,

Northern Technologies International – Zerust Division, appreciates the opportunity to comment on the Department's proposed revisions to Chapter 62-761, F.A.C, Underground Storage Tank Systems, and Chapter 62-762, F.A.C, Aboveground Storage Tank Systems. Our written comments attached to this cover letter are intended to augment the verbal comments provided at the December 17, 2013 Public Workshop in Tallahassee. Also, as stated during the workshop, we encourage the Department to establish technical committees with industry experts and to hold additional workshops. We would also like to volunteer to participate on any technical committees to assist the Department.

As previously discussed at the Workshop, we are requesting that the Department divide the existing AST rule (Rule 62-762, F.A.C.) into three parts. Part One would contain all of the requirements for field-erected tanks, Part Two would have the requirements for shop-fabricated tanks, and Part Three would have the existing requirements for mineral acid tanks. Each Part of the rule is distinctly different in structure and purpose, yet they all fit under the umbrella of "Aboveground Storage Tank Systems" and therefore, no new Chapter would be necessary. This proposed reorganization will go a long way in improving the clarity of the rule and will help to minimize misinterpretations and misunderstandings between the Department, the Counties, and industry.

Our attached comments are in three separate documents - one for field-erected tanks, one for shop-fabricated tanks, and one for USTs. Our proposed revisions to the wording of the rules are in red fonts as strike-through or underlined text. Our explanations and justifications for the proposed revisions are in green italic fonts. Both are in italics to differentiate between the Department's existing and proposed rule language in black fonts. We appreciate your consideration in this matter, and please feel free to contact me if you have any questions.

Best Regards,

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CHAPTER 62-761 UNDERGROUND STORAGE TANK SYSTEMS

62-761.100	Intent
62-761.200	Definitions
62-761.210	Reference <u>Requirements Standards</u>
62-761.300	Applicability
62-761.350	<u>Operator Training and Certification</u> (Reserved for Rulemaking)
62-761.400	<u>Registration and Financial Responsibility</u>
62-761.405	<u>Notification</u>
62-761.420	<u>Financial Responsibility</u>
62-761.430	<u>Incidents</u>
62-761.440	<u>Discharges</u>
62-761.450	<u>Notification and Reporting</u> (Repealed)
62-761.500	<u>Storage Tank System Requirements Performance Standards for Category C Storage Tank Systems</u>
62-761.510	<u>Performance Standards for Category A and Category B Storage Tank Systems</u> (Repealed)
62-761.600	Release Detection <u>Requirements Standards</u>
62-761.610	<u>Release Detection Methods</u> (Repealed)
62-761.640	<u>Performance Standards for Release Detection Methods</u> (Repealed)
62-761.700	Repairs, Operation and Maintenance of <u>Storage Tank Systems</u>
62-761.710	Recordkeeping
62-761.800	Out-of-Service and Closure Requirements
62-761.820	<u>Incident and Discharge Response</u> (Repealed)
62-761.850	Alternative Procedures <u>Requirements and Equipment Registration Approvals</u>
62-761.900	Storage Tank Forms

62-761.100 Intent.

(1) The purpose of this Chapter is to provide requirements standards for the registration, construction, installation, operation, maintenance, repair, closure, and disposal of underground storage tank systems that store regulated substances, in order and to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for underground storage tank systems having individual storage tank capacities greater than 110 gallons.

(2) No change.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.100, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.200 Definitions.

All words and phrases defined in Sections 376.301 and 376.79, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Sections 376.301 and 376.79, F.S., for definitions of the following terms: “Contaminant (contamination shall mean the same as contaminant),” **Contaminated** ~~Contaminated~~ site,” “Department,” “Discharge,” “Facility,” “Hazardous substances,” “Operator,” “Owner,” and “Pollutants.” The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings: ~~The following words, phrases or terms used in this chapter, unless the context indicates otherwise, shall have the following meaning:~~

(Typo)

(1) No change

(2) “Biofuel” means fuel produced from renewable resources, especially plant biomass, vegetable oils, and treated municipal and industrial wastes. ~~“AST” means an aboveground storage tank.~~

(3) “Bulk product piping” means on-site integral piping with an internal diameter greater than three inches that is utilized for transporting regulated substances.

~~(3)(4)~~ “Cathodic protection” means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.



(5) “Cathodic Protection Tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

(This definition should remain because the testing of cathodic protection systems, and in particular galvanic anode cathodic protection systems, do not require that same level of certification. Testers go in the field to verify adequate cathodic protection exists on a tank or pipe, but they do not design systems or perform retrofit. Their services are needed along with the definition to spell out the differences in responsibilities. Further, in 2006, the STI suggested that FDEP reference the STI Certification program for cathodic protection testers as an alternate to the NACE program. A number of States have adopted the STI Certification program specifically within their regulations. STI has certified approximately 475 testers throughout the country.

(4)(6) “Certified Contractor” means a Pollutant Storage System Contractor certified by the Department of Business and Professional Regulation in accordance with Chapter 489, F.S. *Except for the exemptions specified in Chapter 489, F.S., Certified Contractors are not required for activities that do not involve excavating or disturbing the backfill around UST systems. Certified Contractors are the only contractors authorized to perform the following activities for underground pollutant storage tank systems:*

(a) Installation of:

1. USTs or integral piping, excluding drop tubes;

2. Overfill protection and spill containment;

3. Secondary containment;

4. Internal release detection devices;

5. Cathodic protection systems; and

6. Dispenser liners when the integral piping is connected or disconnected during the installation of secondary containment.

(b) Removal of tanks or integral piping; and

(c) Internal lining of tanks.

(Recommend leaving this clarifying language in for the benefit of regulated interests)

(5) “Certified Contractors Form” means Underground Storage Tank Installation and Removal Form for Certified Contractors 62-761.900(5).

(6)(7) “Chlorine” includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) or chlorides (Cl⁻).

(7) “Closure Evaluation” means the investigation at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil to determine if there has been a discharge.

(8) “Closure Report” is a document that contains the Closure Evaluation, as applicable, and a description of the closure activities and the condition and integrity of the storage tank system or storage tank system component at the time of closure, replacement, installation of secondary containment, ~~repairs performed because of an operational or structural problem that could potentially result in a release,~~ or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components that are in contact with the soil.

(Language is too vague and could be misinterpreted by inspectors. Repairs usually have nothing to do with closure. If you are going to repair equipment, you intend to keep it. If it can't be repaired, then closure may be necessary. Recommend striking the reference to repairs in the definition because of the potential of inclusion of minor repairs and the additional cost. The environment will be protected through the definition of “discovery” if a release occurs during a repair.)

(9)(8) “Compatible” means the ability of two or more substances to maintain their respective physical and



chemical properties upon contact with one another for the design life of the storage tank system under conditions likely to be encountered in the storage tank system.

(9) “Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities result in exceedances of applicable cleanup target levels specified in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, or 62-550, F.A.C.

(10) “Corrosion Professional” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as a Cathodic Protection Specialist or Corrosion Specialist, or be a professional engineer licensed registered in the State of Florida.

Corrosion Professionals using vapor corrosion inhibitor technologies for corrosion control must have experience with and knowledge of vapor corrosion inhibitors, and installation certification from the vapor corrosion inhibitor technology registered in accordance with Rule 62-762.851(2), F.A.C.

(Establishes criteria for Corrosion Professionals using this technology for corrosion control.)

(10a) “Corrosion Protection” means the minimization of corrosion by the use of cathodic protection or by the use of vapor corrosion inhibitors.

(Reason – provides that cathodic protection is not the only approved method of protecting metal surfaces from corrosion.)

(11) “County” means a locally administered program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

~~(12)~~(13) “Day tank” means a storage tank system component in close proximity to an engine to provide a reliable supply of fuel.

(12) “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.

(13) “Discovery” means:

~~(a) Either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of an incident, release, or discharge, or an unmaintained storage tank system; or~~

~~(b) Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(10), F.A.C.~~

(14) “Dispenser” means a dispensing system that is used to transfer vehicular fuel from a fixed point to a vehicle.

(15) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(14) “Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

~~(15)~~(16) “Dispensing system” or “Dispenser” means equipment that is used to transfer regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.

~~(16)~~(17) “Double-walled” means a storage tank system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.

(17) “DRF” means Discharge Report Form 62-761.900(1).

(20) “Empty” means all regulated substances have been removed so that no more than one inch in depth or 0.3 percent by weight of total system capacity of regulated substances remains in the storage tank system.

(Recommend retention of this definition. It has not been a problem, and allows for



condensate and other “de-minimus” amounts of liquid in the tank.)

(19) “Existing contamination” means:

(a) The presence of free product or sheen on the groundwater;

(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:

1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or

2. 50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;

(c) Results of analytical tests on a groundwater sample that:

1. Exceed the cleanup target levels for petroleum products’ contaminants of concern specified in Table I of Chapter 62-777, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or

(d) After July 13, 1998, results of analytical tests on a soil sample that:

1. Exceed the lower of direct exposure residential and leachability based on groundwater criteria cleanup target levels for petroleum products’ contaminants of concern specified in Table II of Chapter 62-777, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above.

(20) “Facility” means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 110 gallons for UST systems.

(18)(24) “Free product” means the presence of nonaqueous phase liquid in the environment a regulated substance in excess of 0.01 foot in thickness, measured at its thickest point, floating on water, surface water or groundwater.

(22) “Hazardous substances” means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(33) “Heating oil” means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.

(Recommend retention of the definition of “Heating Oil” to avoid confusion to regulated interests. Not a problem now.)

(24) “High viscosity” means a pollutant with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade.

(25) “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed loop mechanical system used to operate lifts, elevators, and other similar devices.

(19)(26) “Hydrostatic test” means a containment integrity test for a storage tank or storage tank system component that is performed in accordance with this Chapter using equilibrium and the pressure of liquids to test the integrity of the tank or system component.

(20)(27) “Impervious” means:

(a) a synthetic material or another material registered in accordance with subsection 62-761.850(2), F.A.C., that is compatible with the stored regulated substance, and has a permeability rate to the regulated substance stored of 1×10^{-7} cm/sec or less; or

(b) For concrete structures, a material that:

1. Meets the design and construction standards of ACI 350R-89 and ACI 224R-89; or

2. Is applied to the concrete in accordance with NACE International Standard RP0892-92

(21)(28) “In contact with the soil” means any portion of a storage tank system, that physically touches the soil



or, if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious, integral piping connected to USTs, or any portion of a tank, that:

- (a) Physically touches the soil; or
- (b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.

(c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.

(22)(29) “Incident” is a condition or situation indicating that a release or discharge may have occurred from a storage tank system.

(23) “INF” means Incident Notification Form 62-761.900(6).

(24)(30) “In-service” means a storage tank system that is being actively operated and that contains greater than one inch or 0.3% by weight of regulated substance, ~~is being actively maintained and operated in accordance with this Chapter. Non-compliance with any specific rule within this Chapter does not exclude the system from being considered “in-service.”~~ Subject to the above, a storage tank system is also considered to be in-service if it:

- (a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;
- (b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or
- (c) Contains non-regulated substances and is still maintained in an in-service status at the request of the owner or operator.

(The 0.3% by weight requirement is not a current problem. Safeguards are being proposed in the notification section of the rule that would prevent owners from excessive reporting or notification for routine temporary out-of-service notifications to the Department.)

(25)(31) “Integral piping” means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Integral piping, not including vapor recovery lines and vent lines, includes all valves, elbows, joints, flanges, pumps, and flexible connectors, up to the:

- (a) Union of the piping with the dispensing system;
- (b) Fill cap or fill valve; or
- (c) Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; ~~or~~
- (d) ~~First flange or connection within the loading rack containment area.~~

(The revision that excludes vapor recovery lines and vent lines is a good one and has full industry support)

(26) “Integrity test” means a determination of the liquid tightness of a storage tank system component using one of the following types of tests:

(a) “Interstitial integrity test” means an evaluation of the interstitial space in a double-walled storage tank system component using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by a Nationally Recognized Testing Laboratory; or

(b) “Primary integrity test” means an evaluation of the liquid tightness of the primary tank or integral piping.

(c) “Containment integrity test” means an evaluation of the liquid tightness of the hydrant pits, isolation valve pits, piping sumps, dispenser sumps, and spill containment systems.

(Adds additional systems used in the military for USTs. Most commercial hydrant systems are bulk product systems with field-erected ASTs.)

(32) “Internal lining” means a material that is applied internally on USTs to protect the tank from internal corrosion.

(27) “Interstice” means the space between the primary and secondary wall of a storage tank or storage tank system component.



(Clarification to ensure that people don't think that it only applies to components and not the tank or piping)

~~(28)(33)~~ “Interstitial monitoring” is a method of release detection in which the interstice is monitored. ~~release detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:~~

~~(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or~~

~~(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.~~

~~(34) “Liner” means an impervious material that meets the performance standards of paragraph 62-761.500(1)(d), F.A.C., that is used externally as a method of secondary containment.~~

~~(29)(35)~~ “Maintenance” means the normal operational upkeep in accordance with Rule 62-761.700, F.A.C., to prevent a storage tank system from releasing or discharging regulated substances.

~~(30)(36)~~ “Nationally Recognized Testing Laboratory” means an international or national organization or governmental entity that can perform quantitative and qualitative tests on storage tank system equipment, evaluate the test data and equipment performance, and make determinations of the equipment’s capability of meeting the technical requirements standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. **Nationally Recognized Laboratories include organizations such as Underwriter's Laboratories, Carnegie Mellon Research Institute, Southwest Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.**

(Recommend retention of this language to help equipment manufacturers and other interested parties with obtaining services.)

~~(31)~~ “New” means a storage tank system or system component that is installed after the effective date of this Chapter.

~~(32)(37)~~ “On-site” means on the same or geographically contiguous property as the facility regulated under this Chapter, that is under the same ownership or control, and which may be divided by a public or private right-of-way or an easement.

~~(33)~~ “Operability test” means a test performed to determine if electronic and mechanical release detection and overfill protection devices or systems are functioning as designed and in accordance with manufacturers specifications.

~~(38)~~ “Operational life” refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-761.800(2), F.A.C.

~~(39)~~ “Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.

~~(34)(40)~~ “Out-of-service” means a storage tank system **meeting the requirements in subsection 62-761.800(1), F.A.C., that the owner and operator removes from active operations for an extended period of time that:**

(a) Is designated as an out-of-service system by owner or operator notification to the Department on Form 62-761.900(2);

(b) Is empty as defined in subsection 62-761.200(18), F.A.C.; and

(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-761.800(1), F.A.C., for a maximum time of:

1. Two years of being taken out of service for USTs; or

2. Ten years of being taken out of service for storage tank systems with secondary containment.

(Recommend retention of the 2004 definition with minor changes. This has not been a significant problem, and the new definition really isn't defined. It just says “meeting the requirements in subsection 62-761.800(1), F.A.C.”, which really is of marginal use to owners trying to comply. The amended version above is more descriptive and useful for all parties involved)

~~(34)(41)~~ “Overfill” is an incident ~~a release or discharge~~ that occurs when a tank is filled beyond its capacity.



(35) “Overfill protection” is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

(42) “Owner” means any person as defined in Section 376.301(23), F.S., owning a facility.

(36)(43) “Pesticides” mean any substance or mixture of substances, as defined in 487.201, F.S., intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the Department of Agriculture and Consumer Services by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term “pesticide” does not include any article that:

(a) Is a “new animal drug” within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

(b) Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection. means all preparations, products, and substances included in the Department of Agriculture and Consumer Services’ Rule 5E 2.002, F.A.C.

(44) “Petroleum” includes:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph 62-761.200(44)(a), F.A.C.

(45) “Petroleum product” means any liquid fuel commodity made from petroleum.

(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:

1. Diesel fuel;
2. Kerosene;
3. Gasoline; and
4. Fuels containing mixtures of gasoline and other products.

(b) Forms of fuel excluded from this definition are:

1. Liquefied petroleum gas;
2. American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;
3. Bunker C residual oils;
4. Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;
5. Asphalt oils; and
6. Petrochemical feedstocks.

(37)(46) “Pipe” or “piping” means any hollow cylindrical or tubular conveyance through which regulated substances flow.

(38)(47) “Piping sump” or “Submersible turbine pump sump” means a storage tank system component liner installed as secondary containment or a monitoring port at the top of a tank or lowest point in the integral piping to detect releases.

(48) “Pollutants” includes any “product” as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(49) “Pressure test” means a test to determine the integrity of integral piping performed in accordance with subparagraph 62-761.640(5)(a)1., F.A.C.

(39)(50) “Pressurized piping” means piping through which regulated substances flow due to a pump that is not located at the dispensing system.

(40)(51) “Product” as defined in Section 377.19(11), F.S., means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, used oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

(Why is this statutory definition retained in the rule while all others have been deleted?)



(52) “Registered Precision Tank Tester” means a contractor that performs tightness tests on USTs, and small diameter piping connected to USTs, that is registered by the Department of Business and Professional Regulation pursuant to Chapter 489, F.S.

(41) “Registration form” means Storage Tank Facility Registration Form 62-761.900(2).

(42)(53) “Regulated substance” means a liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), that is a pollutant or a hazardous substance, or any mixture of the two, when stored in a storage tank UST.

(43)(54) “Release” means:

(a) ~~A discharge; or~~

(b) ~~a~~ A loss of regulated substances from a storage tank system into the system’s secondary containment.

(44)(55) “Release detection” means a method of:

(a) ~~Determining whether a discharge of regulated substances has occurred; or~~

(b) ~~d~~ Detecting the presence of regulated substances within a storage tank system’s secondary containment and/or detecting other conditions or situations indicative of a release or discharge.

(56) “Release detection response level” is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.

(Eliminating this well intended but no longer useful RDRL requirement is a good thing!)

(45)(57) “Repair” means to restore or replace any defective or damaged parts of a storage tank system in accordance with Rule 62-761.700, F.A.C. ~~Replacement of a non-defective part is not a repair.~~

(46)(58) “Residential storage tank system” means a storage tank system that services a non-commercial building that is used exclusively as a dwelling unit which means a structure that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies, is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.

(47)(59) “Secondary containment” means a release detection and discharge prevention system that meets the performance requirements standards of paragraph 62-761.500(1)(b), F.A.C., and includes dispenser sumps liners, piping sumps, spill containment systems, the outer wall of double-walled tanks and integral piping, or the liner systems, or single-walled tanks or piping systems that are contained within a liner or an impervious containment area surrounding single-walled tanks or integral piping.

(48)(60) “Sheen” means a regulated substance less than or equal to 0.01 foot in thickness, measured at its thickest point, or visibly observed, floating on surface water, groundwater, or within secondary containment.

(61) “Significant loss or gain” means the sum of losses and gains of a regulated substance over a 30-day or monthly period that exceeds:

(a) ~~For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:~~

1. ~~One percent of the tank capacity; or~~

2. ~~One percent of the total weekly output; or~~

3. ~~Fifty gallons, whichever is greatest; or~~

(b) ~~For tanks with capacities greater than 2000 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:~~

1. ~~One percent of the tank capacity; or~~

2. ~~One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.~~

(62) “Small diameter piping” means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.

(49) “Spill containment system” means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.

(50)(63) “Storage tank system” means a tank used to contain regulated substances, its integral piping, and all its components, including dispensing systems, spill containment systems devices, overfill protection systems devices, secondary containment systems, day tanks, and any associated release detection equipment. A storage tank system is a “storage system” as defined in Chapter 376.301, F.S.

(51)(64) “Suction piping” means piping through which regulated substances flow due to a pump located at the



dispensing system.

~~(52)(65)~~ “Tank” means an enclosed stationary container or structure that is designed or used to store regulated substances, and the volume of which, including the volume of underground piping, is ten percent or more buried beneath the surface of the ground.

(66) “Tightness test” means a test for an underground storage tank or its small diameter piping that is performed in accordance with subparagraphs 62-761.640(3)(f)1. and (4)(b), F.A.C., by a precision tank tester registered with the Department of Business and Professional Regulation under Chapter 489, F.S.

(67) “UST” means an underground storage tank.

(68) “UST Category A system” means a system containing pollutants that was installed on or before June 30, 1992, or a system containing hazardous substances that was installed before January 1, 1991.

(69) “UST Category B system” means a system containing pollutants that was installed after June 30, 1992, or a system containing hazardous substances that was installed on or after January 1, 1991, and before July 13, 1998.

(70) “UST Category C system” means a system that was installed on or after July 13, 1998. USTs that are removed and relocated on or after July 13, 1998 are considered Category C systems.

(71) “Unmaintained” means:

(a) A storage tank system that was not closed in accordance with Department rules; or

(b) An out of service storage tank system that is not returned to in service status within:

1. Two years of its being out of service for USTs; or

2. Ten years of its being out of service for storage tank systems with secondary containment.

(72) “Upgrade” means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single wall corrosion resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.

(xx) “Temporary out-of-service” is a designation of a service status for an underground storage tank system that is emptied solely for the purpose of cleaning, routine maintenance, microbial contamination, a “stop sale” order by DACS, or change of product for a time period exceeding seven days, but less than three months.

(Recommend inclusion of this status. Facility Owners have encountered problems with alternative fuels and bio-fuels, and it provides a convenient way of dealing with temporary down-time to clean tanks or perform routine maintenance without the paperwork or notification that adds costs without benefits. FDEP is protected by the three months limitation.)

(53) “Valid Registration” means that applicable registration requirements that are specified in Rule 62-761.400, F.A.C., have been met for all regulated storage tank systems at a facility.

(67) “Vapor Corrosion Inhibitor” (VCI) means a chemical substance that volatilizes from a liquid or solid through vapor pressure and then moves freely within an enclosed airspace where the molecules preferentially adsorb onto metal surfaces and create a protective layer that inhibits the corrosive action of water, oxygen, acid gas molecules, and other corrosive agents with the metal surfaces.

(Includes vapor-corrosion inhibitor technology)

(73) “Vehicular fuel” means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, 3-8-94, Formerly 17-761.200, Amended 9-30-96, 7-13-98, 6-21-04,_____.

Substantial rewording of Rule 62-761.210, F.A.C., follows. See Florida Administrative Code for present text.

62-761.210 Reference RequirementsStandards.

(1) Referenced requirements are available for inspection at the County Offices, and the Department of Environmental Protection’s District and Tallahassee Offices, and directly from the source.

(2) Titles of documents. References to documents listed in paragraphs 62-761.210(2)(a) through (l), F.A.C.,



below are made throughout this Chapter. Each document or part thereof is adopted and incorporated as a guideline only to the extent that it is specifically referenced in this Chapter. To the extent that the provisions contained in the following reference requirements conflict with this Chapter, the Department's requirements as stated in this Chapter shall control.

(a) American Petroleum Institute (API), 1220 L Street, N.W. Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>.

1. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996;

2. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011;

3. Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996; and

4. Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006.

(b) ASME International (founded as the American Society of Mechanical Engineers), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800) 843-2763, or at <http://www.asme.org/>; Process Piping, B31.3-2004, 2012 Edition.

(c) Florida Department of Environmental Protection (DEP), Division of Waste Management, 2600 Blair Stone Road, MS 4500, Tallahassee, Florida 32399-2400, (850) 245-8839; Storage Tank System Closure Guidelines - Closure Evaluation Guidance, or at www.dep.state.fl.us/ (*effective date of the rule*).

(d) NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, (800) 797-6223, or at <http://www.nace.org/>:

1. Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition; and

2. Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition.

(e) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800) 344-3555, or at www.nfpa.org/:

1. Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition;

2. Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C), 2012 Edition; and

3. Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition.

(f) National Leak Prevention Association (NLPA), Route 2 Box 106A, Falmouth, Kentucky 41040, (702) 832-2260, or at <http://www.nlpa-online.org/>. **National Leak Prevention Association: NLPA Standard 631, "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks," Chapter B, 1991.**

(NLPA Standard 631 was omitted and needs inclusion)

(g) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, (301) 975-NIST (6478), or at <http://www.nist.gov/index.html>.

(h) National Work Group On Leak Detection Evaluations (NWGLDE), <http://www.nwglde.org/>

(This group is not "officially" sanctioned by EPA and its members are volunteers. While very knowledgeable and well-intended, they have no legal standing and there is no appellate options if they disapprove of a leak detection method. Government cut-backs are going to continue to make it difficult for members to attend meetings for this group. DEP should not formally link the rule to this organization, but use the group as a technical resource.)

(i) Petroleum Equipment Institute (PEI), Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/:

1. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition; and

2. Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary



Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition.

(j) Steel Tank Institute (STI), ~~944 Donata Ct, 570 Oakwood Road~~, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steel-tank.com/>:

1. sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013; ~~and~~

2. Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006;:

3. Cathodic Protection Testing Procedures for sti-P3 UST's, STI R051-06, (R051)

4. Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs, STI R972; and,

5. Storage Tank Maintenance STI R111, (R111).

6. Specification for External Corrosion Protection of FRP Composite Steel USTs - ACT-100® F894

7. Specification for External Corrosion Protection of Composite Steel USTs - ACT-100-U® F961

8. Permatank®: Specification for Permatank®, F922, January 2013

9. Standard for Dual Wall Underground Steel Storage Tanks, F841, January, 2006

(These standards are all recommended by the Steel Tank Institute as having relevance with the existing rule and for future installations, and the EPA federal UST regulations reference numerous Steel Tank Institute standards. Many underground steel storage tanks installed in Florida were built to these standards and they remain as useful references. Therefore, they should be included as references)

(k) Underwriters Laboratories Standards (UL), 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/:

1. Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition;

2. Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition;

3. Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition; and

4. External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition.

5. Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems, UL 1856, 2013 Edition.

(Recommend the inclusion for UL 1856 for internal secondary containment.)

(l) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/:

1. Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), Title 40, Part 280, July 2008; Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001; and

2. Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001.

(3) Applicability of Reference Requirements: Unless otherwise specified in this Chapter, facilities installed before *(the effective date of the rule)* are subject to the Reference Requirements listed in the Department's storage tank rules that were in effect at the time of facility construction or operation. Facilities installed after *(the effective date of the rule)* shall comply with this subsection on or after *(the effective date of the rule)*.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Amended 7-13-98, 6-21-04, _____.

62-761.300 Applicability.

(1) General Requirements.:

~~(a) Underground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to



owners and operators of facilities, and owners and operators of underground storage tank UST systems with individual storage tank capacities greater than 110 gallons, that contain or contained regulated substances;

1. ~~Vehicular fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~

2. ~~Pollutants or hazardous substances after December 10, 1990; or~~

3. ~~Regulated substances in unmaintained storage tank systems.~~

(b) This rule is applicable to non-residential facilities. Under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal UST rules (advisory information only not required by this Chapter).

(2) Exemptions: The following underground systems are exempt from the requirements of this Chapter:

(a) Any storage tank system storing any hazardous waste listed or identified under Subtitle C of the Resource Conservation and Recovery Act, or a mixture of such hazardous waste and other regulated substances;

(b) Any storage tank system regulated under the Toxic Substances Control Act (15 U.S.C. 2065);

(c) Any pesticide waste degradation system regulated under Chapter 62-660, F.A.C.;

(d) Storage tank systems used solely for temporary storage of mixtures of pesticides and diluent for reapplication as pesticides;

(e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored. **“Heating oil” means any petroleum-based fuel used in the operation of heating equipment, boilers, or furnaces;**

(Recommend leaving it in the definitions section and excluding it here)

(f) ~~Any tank that contains asphalt or asphalt products not containing other regulated substances;~~

(Agree with excluding Asphalt here, but recommend retention in the AST sections)

(g) ~~Any storage tank system storing regulated substances that are solid or gaseous at standard temperature and pressure;~~

~~(h) Any storage tank containing Liquid Petroleum Gas;~~

~~(g)(i) Any storage tank system that;~~

1. Contains a regulated substance at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under 40 C.F.R. 302; and

2. Was never previously regulated under Chapter 376.30 through 376.309, F.S. or this Chapter; contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;

~~(h)(i) Any storage tank system that contains wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;~~

~~(i)(k) Any septic tank system;~~

~~(l) Any stormwater or wastewater collection system, including oil-water separator tanks;~~

~~(m) Any surface impoundment, pit, pond, or lagoon;~~

~~(j)(n) Any agricultural storage tank system of 550 gallons capacity or less that is used for agricultural purposes;~~

(k)(o) Any residential storage tank system used solely for residential purposes. However, under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal underground storage tank rules;

~~(l)(p) Any emergency spill or emergency overflow containment storage tank system that is emptied as soon as possible after use, and that routinely remains empty;~~

~~(q) Any flow-through process tank system. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility;~~

~~(m)(r) Any storage tank system, liquid trap, or associated gathering lines directly related to oil or gas production and gathering operations regulated by Chapter 377, F.S.; however, this exclusion does not apply to storage tanks that contain refined products;~~

(n)(s) Any equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift or fluid tank systems that hold hydraulic fluid for closed-loop mechanical systems used to operate lifts, elevators, and other similar devices and cooling oil (dielectric fluid) systems used for electrical equipment and electrical equipment tank systems;



~~(o)(t)~~ Any pipeline, piping and “break-out” tanks directly connected to the pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations facilities;

~~(p)(u)~~ Any storage tank system containing radionuclides or that is part of an emergency generator system for nuclear power generation at facilities regulated by the Nuclear Regulatory Commission under 10 C.F.R. Part 50 Appendix A;

~~(q)(v)~~ Any ~~v~~vapor recovery holding tanks and associated vapor recovery piping systems; or

~~(r)~~ Any storage tank system containing biofuel that has a concentration of regulated substance of five percent or less by volume.

~~(w)~~ Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 5 of NFPA 30.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.300, Amended 7-13-98, 6-21-04,_____.

62-761.350 Operator Training and Certification (Reserved for Rulemaking)

62-761.400 Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) A completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the Department no later *than seven days before installation, or no later than 2140* days after installation notification to the County pursuant to Rule 62-761.405, F.A.C. Copies of the Registration Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(The current rule allows Registration 30 days after regulated or hazardous substances are put into any new storage tank system. The proposed rule requires submittal of the Registration Form 10 days after Installation Notification, which is 30 to 45 days before installation. This means an owner may have to submit the registration form 20 to 35 days before installation, a difference of 50 to 65 days before the existing rule. What is the rush? With the new requirements for Operator Training and Delivery Prohibition, it is understandable that the DEP would want registration prior to Operation, but this paperwork takes time for owners to complete. It is recommended that this date be changed to “no later than seven days before installation, or no later than 21 days after installation notification”)

(c) A completed Form 62-761.900(5), Underground Storage Tank System Installation and Removal Form for Certified Contractors (Certified Contractors Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the County no later than 10 days after installation of a storage tank system. Copies of the Certified Contractors Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or, www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(2) For change in service status or closure pursuant to Rule 62-761.800, F.A.C.:

(a) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days after completion of the change in service status.

(b) A completed Certified Contractors Form shall be submitted to the County in paper or electronic format no later than 10 days after removal of a storage tank system.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

(3) Financial responsibility.

(a) Any change in the owner or operator of a facility or of a storage tank system.

(a) General requirements.



1. ~~The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance. Financial responsibility is only required for tanks containing petroleum or petroleum products. Financial responsibility is the ability to pay for corrective action and third-party liability resulting from a discharge at the facility.~~

2. ~~The demonstration of financial responsibility shall be made by the owner or operator in accordance with C.F.R. Title 40, Part 280, Subpart H.~~

3. ~~Financial responsibility requirements for petroleum storage systems containing petroleum products may be supplemented by participation in the Florida Petroleum Liability Restoration and Insurance Program to the extent provided by Section 376.3072, F.S.~~

4. ~~Notwithstanding the owner's or operator's financial responsibility status, the owner or operator may, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.~~

(b) Any change or correction in the information reported in the Registration Form. A change within the same blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);

(b) The minimum requirements for financial responsibility for USTs containing petroleum or petroleum products shall be the same as provided by C.F.R. Title 40, Part 280, Subpart H.

(c) A change from a regulated substance to a non-regulated substance; and

(d) The discovery of an unregistered storage tank system.

(1) General registration requirements.

(a) The owner or operator of any facility, or the owner or operator of a storage tank system shall register the storage tank system with the Department on Form 62-761.900(2).

(b) A completed registration form shall be submitted to the Department no later than 30 days after regulated or hazardous substances are put into any new storage tank system.

(4)(2) Registration fees.

(a) Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all registered storage tank systems required to be registered. Registration fees except for storage tank systems that have been properly closed in accordance with subsection 62-761.800(2), F.A.C., will no longer be due once any outstanding fees have been paid.

(b) A registration fee of \$50.00 per tank or vessel shall be submitted for each initial registration of a storage tank system. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(c) A renewal fee of \$25.00 per tank shall be paid to the Department for each storage tank system not meeting the closure requirements of subsection 62-761.800(2), F.A.C. by July 1 each year.

(d) A replacement fee of \$25.00 per tank shall be paid to the Department for each tank that is replaced for the purpose of facility upgrading, within 30 days after receipt of an invoice by the Department.

(e) A late fee of \$20.00 per tank shall be paid to the Department for any renewal that is received after July 31.

(f) Upon receipt of payment of all applicable initial registration fees and annual renewal fees, each facility shall receive a valid registration placard, pursuant to Section 376.3077, F.S. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the storage tank system is located. Posted on the Department website will be information regarding those motor fuel facilities who have not timely paid their registration fees. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the tank is located.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-761.400(4)(f), F.A.C., no motor fuel may be deposited into a storage tank required to be registered pursuant to this Rule. Facility owners, operators and suppliers are each responsible for compliance with this provision.

(6) Revocation of Registration Placard. (Reserved for Rulemaking)

(7) Delivery prohibitions. (Reserved for Rulemaking)

Rulemaking Specific Authority 376.303, 376.322(2) FS. Law Implemented 376.303, 376.309, 376.323, 376.3077 FS. History—New 12-10-90, Formerly 17-761.400, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.405 Notification.

(1) For Installations:



(a) For the purposes of this subparagraph, installation shall mean the date that the storage tank system or system component placement or construction will begin.

(b) Notification shall be received by the County in writing or electronic format between 30 and 45 days before installation of a storage tank system or system component unless the County agrees to a shorter time period.

(c) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the installation work to confirm the date and time of the scheduled activities.

(2) For change in service status closure, or closure evaluation:

(a) Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period.

(b) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the initiation of the work to confirm the date and time of the scheduled activities.

(3) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 72 hours; however an INF need not be submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-761.430, F.A.C., confirms that a discharge did or did not occur. Copies of the INF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(4) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 24 hours **or before the close of the next business day**. Copies of the DRF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(Retains the existing language)

(5) Notification is not required for Temporary Out-of-Service status, or for minor repairs to dispensers, submersible turbine pumps, sumps, or other storage tank system equipment.

(Clarifies that minor repair work and TOS requires no notification)

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.450, 62-761.450, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.420 Financial Responsibility.

(1) Financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum or petroleum product at the facility.

(2) The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department for all storage tank systems until they are properly closed. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance.

(3) The demonstration of financial responsibility for storage tank systems shall be made available for inspection by the Department or the County and shall be in accordance with Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST) – Financial Responsibility, Title 40, Part 280, Subpart H, July 2008, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and is available from the address given.

(Why was sub-paragraph (4) included in the AST rule and excluded in the UST rule?)

(4) Notwithstanding the owner's or operator's financial responsibility status, the owner and operator shall, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.



Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.309 FS. History-New

62-761.430 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rule 62-761.600, F.A.C.:

1. Any visual inspection of **any part of** a storage tank system, **dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances** that reveals **pitting corrosion with more than a fifty percent loss of its original design thickness, or cracking, splitting, blistering, delamination, softening** ~~signs of corrosion, cracks,~~ structural damage, leakage, or other similar problems **with fiberglass, steel, polyethylene, or any other materials of construction for equipment registered in accordance with Rule 62-761.850(2), F.A.C.:**

(Cracks are usually seen within FRP and Polyethylene storage tank systems. What about incompatible issues, such as blistering, linings that are no longer adhering, or delamination? The proposed language in red will minimize potential inspector interpretation or judgment issues that have been a problem in the past, e.g. surficial rust on submersible turbine pumps, electrical conduits, piping sump hardware, or minor surficial rust on piping in sumps. This will allow the Department to focus on problems that are truly incidents.)

2. Any visual observation of regulated substances in a piping or dispenser sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained, or that liquid **other than de minimus levels of condensate** has been detected by a sensor in a normally dry interstice;

(Recognizes the inevitable presence of small amounts of condensate without missing a true incident)

4. Any visual observation that indicates that liquid monitoring levels are not being maintained;

5. Any vacuum or pressure change of **50% ~~10%~~** from one month to the next, or any cumulative change of vacuum or pressure exceeding **50% ~~10%~~** of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge;

(Recognizes real-world problems with fluctuations in vacuum and pressure without sacrificing environmental protection. I've seen significant changes from atmospheric pressure, the weight of the product in the tank, and daily temperature variations that affect vacuum and pressure gauges. If there is a leak at all, you will not be able to hold any vacuum, and the 50% level is a reasonable threshold. Also, having to refresh the vacuum at 50% is more cost effective)

6. Any visual inspection that indicates the presence of water **other than de minimus levels of condensate** and/or regulated substances in the interstice;

(Recognizes the inevitable presence of small amounts of condensate)

7. Any instance where a mechanical line leak detector is restricting flow;

8. Any instance where an electronic line leak detector has shut off power to the pump;

9. Any instance where a monitoring device has shut off the pump; and

10. Liquid in excess of one inch in an out-of-service storage tank.

(b) A failed integrity test for the following components:

1. Double-walled storage tanks;

2. Double-walled integral piping;

3. Piping sumps;

4. Dispenser sumps; and



5. Spill containment systems.

(c) Other unusual operating conditions, such as the erratic behavior of product dispensing equipment, the sudden loss of product from a storage tank system, or any unexplained presence of water in a tank or an interstitial space;

(d) The presence of odors of a regulated substance from surface water or groundwater, soil, basements, sewers and utility lines at a facility; and

(e) The loss of a regulated substance from a storage tank system, such as from an overflow, exceeding 25 gallons on impervious surfaces, other than secondary containment, provided that the loss does not come in contact with pervious surfaces.

(2) If an incident occurs at a facility, actions shall be taken within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

(3) Notification of the discovery of any incident shall be made to the County in writing or electronic format on an INF within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

(4) In cases where an INF is required to be submitted, the investigation shall be completed within 14 days of the date of discovery of the incident to determine if a discharge has occurred. Incident investigations that require additional time can be extended with the written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period, or at the end of the alternate time period approved by the Department or the County to investigate the incident, either a DRF or a written confirmation and explanation that the incident was not a discharge shall be submitted to the County in writing or electronic format.

(6) The removal of any spill or loss of regulated substance into secondary containment shall be initiated within three days of discovery, and completed within thirty days of discovery.

(7) If a discharge is discovered at any time during the incident investigation, the discharge shall be reported on a DRF within 24 hours of discovery or before the close of the next business day, and a discharge response shall be initiated in accordance with subsection 62-761.440(6), F.A.C.

(8) All incidents, regardless of whether an INF is required to be submitted, shall be documented and records kept until storage tank system closure in accordance with Rule 62-761.710, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New

62-761.440 Discharges.

(1) Discharges include:

(a) Laboratory analytical results of surface water or groundwater samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C.;

(b) Laboratory analytical results of soil samples indicating the presence of contamination by regulated substance contaminants of concern listed in Table B in Chapter 62-780, F.A.C. that exceed the lower of direct exposure residential or leachability based on groundwater criteria cleanup target levels in Chapter 62-777, F.A.C.;

(c) The presence of free product, a visible sheen, sludge, or emulsion of a regulated substance, or a regulated substance that is visibly observed in soil, on or in surface water, in groundwater samples, on basement floors, in open drainage ditches, in open excavations or trenches, in subsurface utility conduits or vaults, or in sewer lines at the facility; and

(d) A spill or overflow of a regulated substance to a pervious surface.

(2) Upon discovery of a discharge, the owner or operator shall report the discharge to the County on a DRF within 24 hours or before the close of the County's next business day.

(3) Copies of laboratory analytical results that confirm a discharge shall be submitted to the County within 24 hours of receipt of the results or before the close of the next business day in writing or electronic format.

(4) A request for a retraction of a submitted DRF shall be submitted to the County or the Department in writing or electronic format if evidence is presented that a discharge did not occur at the facility.

(5) A DRF does not need to be submitted:

(a) For a discharge that was previously reported to the appropriate County on a DRF;

(b) For petroleum or petroleum product de minimis discharges in accordance with Rule 62-780.560, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in the following document which



is hereby adopted and incorporated by reference, and is available from the address given: Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001; or

(c) For ~~non-petroleum~~ ~~nonpetroleum~~ de minimis discharges in accordance with Rule 62-780.550, F.A.C., unless the pollutant has a more stringent reporting requirement specified in Title 40, Part 302.

(Typo)

(6) Discharge response.

(a) When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:

1. Fire, explosion, and vapor hazards shall be identified and mitigated;
2. Actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (e.g., Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with Chapter 62-780, F.A.C.;
3. Each component of the storage tank system shall be integrity tested within three days of discovery of the discharge if the source and/or cause of the discharge is unknown;
4. The storage tank system component that is discharging shall be isolated from the system within three days of discovery of the discharge. If the component cannot be isolated from the system, within three days of discovery of the discharge the storage tank system shall not operate, dispense, or accept deliveries, or shall be placed out-of-service in accordance with Rule 62-761.800, F.A.C., until the component can be repaired or replaced;
5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-761.700, F.A.C.;
6. If the storage tank system component that was found to be discharging will be replaced, it shall meet the storage tank system requirements in accordance with Rule 62-761.500, F.A.C.; and
7. If the storage tank system component that was found to be discharging will not be repaired or replaced, the storage tank system, if not already out-of-service, shall be placed out-of-service within 90 days or be closed in accordance with Rule 62-761.800, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New _____.

62-761.450 Notification and Reporting.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.450, Amended 9-30-96, 7-13-98, 6-21-04., Repealed _____.

Substantial rewording of Rule 62-761.500, F.A.C., follows. See Florida Administrative Code for present text.

62-761.500 ~~Performance Standards for Category C Storage Tank Systems~~ Requirements.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substance and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.



3. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

(Includes vapor-corrosion inhibitor technology)

3. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

4. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, hydrant sumps, and dispenser sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

- a. Twenty-four hours for field-fabricated components; or
- b. Three hours for factory-made components.

5. An interstitial integrity test shall be performed on the storage tank after it is delivered to the **or installed at the** facility and before the storage tank is placed into service. This test shall be performed in accordance **with manufacturer's requirements and** with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 8th Rev., 2011 Edition, Petroleum Equipment Institute (PEI), Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, and Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380.

(Clarification)

6. An interstitial integrity test shall be performed on integral piping in accordance with PEI/RP100-11 and PEI/RP1200-12 before the integral piping is placed into service.

7. An interstitial integrity test shall be performed on double-walled spill buckets or double-walled sumps in accordance with PEI/RP1200-12 before the component is placed into service.

(Note – double-wall spill buckets or piping sumps are not required by rule or statute. However, if an owner chooses to install a double-wall spill bucket or piping sump, it makes sense to perform a test at installation, but not at any other time.)

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-761.210(2)(d), F.A.C. Cathodic protection test stations shall provide direct access to the soil in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-761.700(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

4. Cathodic protection is not required for any underground storage tanks with field-fabricated internal secondary containment that is self-structural without any structural support from the host tank.

(Internal secondary containment systems that are self-structural are dependent on a steel tank host and will not require cathodic protection)

5. Supplemental anodes that are added to a sti-P3 tank can be installed according to STI R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs .



(Correct reference)

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies registered with the Department in accordance with Rule 62-762.851(2), F.A.C. provide an alternative to cathodic protection for protection of metal surfaces within secondary containment. Vapor corrosion inhibitors (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates. Electrical resistance (ER) probes must be able to determine corrosion rates based on the increase in electrical resistance over time of a metal element on the probe surface where the metal loss in the element's cross-sectional area from corrosion will be accompanied by a proportional increase in the element's electrical resistance. If electrical resistance probes cannot be incorporated into the VCI protection system, then an alternate method as recommended by a Corrosion Professional shall be used.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.701(3), F.A.C.

(Language needed to allow the use of corrosion protection systems previously approved by the Department that are equivalent to cathodic protection systems for USTs)

(d) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with the regulated substances stored in the storage tank systems.

(e) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(f) All storage tank systems shall be installed in accordance with the following documents hereby adopted and incorporated by reference, and are available from the addresses given. Installation of Underground Petroleum Storage Systems, API Recommended Practice 1615, 6th Edition, 2011, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070.; Flammable and Combustible Liquids Code, NFPA 30, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; Process Piping, B31.3-2004, 2012 Edition, ASME International (founded as the American Society of Mechanical Engineers), Published by ASME, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900; and PEI/RP100-11. **Storage tanks with field-fabricated internal secondary containment shall be installed in accordance with manufacturer's specifications, UL 1856, and NLPA 631.**

(The rule needs to include the reference standards associated with internal secondary containment)

(g) A Certified Contractor shall perform the installation of storage tank systems containing pollutants, including tanks, integral piping (excluding drop tubes), overfill protection and spill containment equipment, internal release detection equipment, cathodic protection systems, secondary containment systems, and dispensing systems, if the installation of the storage tank system component disturbs the backfill, or where the integral piping is connected or disconnected during installation.

(h) Whenever storage tanks and/or integral piping are installed, modified or relocated after the effective date of this rule, Record Drawings ("as-builts"), signed and sealed by a professional engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-761.710, F.A.C. The as-built drawing shall include all construction and equipment design specifications including exact dimensions, geometry, and locations of the storage tanks and/or integral piping, of the work completed under contract, and any changes made to the original specifications during the construction process. **As-built drawings are not required for**



tanks that are installed or retrofitted with internal secondary containment.

(Note – the requirement for “As-builts” only makes sense for UST systems, but it will add an additional cost. The increase in costs should be quantified before the passage of the rule to determine if there is a significant environmental benefit for the extra cost. Also, tanks with internal secondary containment using the Phoenix, ZCL, Petrofuse, or Tank Tech Stand-Alone systems do not need to supply as-builts.)

(2) Storage Tanks.

(a) All storage tanks at a facility shall have secondary containment and shall be constructed or installed to provide for interstitial monitoring of the entire storage tank.

(b) Fiberglass reinforced plastic double-walled tanks shall be constructed in accordance with the following document, Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, 1994 Edition, Underwriter’s Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference and available at the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(c) Cathodically protected double-walled steel tanks shall be:

1. Constructed in accordance with the following documents, or as applicable: Steel Underground Tanks for Flammable and Combustible Liquids, UL 58, 1996 Edition, Underwriter’s Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, and External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746, 2007 Edition, Underwriter’s Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and are available from the addresses given;

2. Constructed in accordance with the following document, sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, sti-P3®, Rev. 2013, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and is available from the address given; or

3. Constructed in accordance with the following document, STI R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and is available from the address given; or

(This RP fulfills the requirements of c.3 specifically for the STI sti-P3 cathodic protected tank)

3. Certified by a Nationally Recognized Testing Laboratory for any field-installed cathodic protection system, that these requirements are met, constructed and designed by a Corrosion Professional in accordance with the following document, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference, and is available from the address given.

(d) Double-walled steel tanks coated with a fiberglass reinforced plastic composite shall be constructed in accordance with UL 58 and UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(e) Jacketed steel tanks shall be constructed in accordance with UL 1746, or certified by a Nationally Recognized Testing Laboratory that these requirements are met.

(Paragraph (d) precludes the use of jacketed tanks. These are steel tanks with an outer non-metallic tank that provides both corrosion protection and secondary containment. These tanks are built to UL 1746 and should be included as a new paragraph (e).)

(f) Underground storage tanks with field-fabricated internal secondary containment shall be:

1. Installed in accordance with manufacturer’s specifications and NLPA 631 and UL 1856;



2. Either be a self-structural design that has no structural contribution from the host tank, or a co-structural design that has shared structural support from the host tank with the retrofit system; and
3. Must be registered in accordance with Rule 62-762.850(2), F.A.C.

(Internal secondary containment has been around a long time in Florida and should be listed in the rules as a viable option for secondary containment)

(e) Double-walled storage tanks that meet the above performance requirements, that are constructed of equivalent material, have an equivalent design, or are corrosion protected shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.

(f) Tanks shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(g) Double-walled storage tanks that have been removed and that are to be reinstalled at a different location shall:

1. Be recertified that all original warranties are confirmed by the original manufacturer or the manufacturer's successor, and be reinstalled in accordance with the requirements in this section; or

2. Be recertified by a professional engineer licensed in the state of Florida that the storage tank meets all applicable requirements of this section; and

3. Proof of recertification shall be provided to the Department and County prior to the start of installation. The storage tank shall be re-registered in accordance with subsection 62-761.400(1), F.A.C.

(3) Integral piping.

(a) All integral piping, including remote fill piping that is in contact with the soil shall have secondary containment; or

(b) All integral piping that transports regulated substances over surface waters of the state shall have secondary containment and shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials; or

(c) All integral piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-761.500(3)(d)2. through 4., F.A.C., shall be UV rated if exposed to sunlight if made of non-metallic materials, and shall be registered in accordance with subsection 62-761.850(2), F.A.C., if made of non-metallic materials.

(d) Construction requirements.

1. Fiberglass reinforced plastic integral piping or other non-metallic double-walled integral piping installed in contact with the soil at a facility shall meet the requirements of Non-metallic Underground Piping for Flammable Liquids, UL 971, 1995 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference, and is available from the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-761.850(2), F.A.C.

2. Coated steel double-walled integral piping shall be constructed in accordance with ASME B31.3. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API Recommended Practice 1632 (2002), 3rd Edition, January 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2007, 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906; and Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Rev. January 2006, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and available from the addresses given.

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, Piping Systems.

4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-761.850(2), F.A.C.

(e) Integral piping shall be installed with a slope to a low point monitoring system to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(f) Pressurized integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, Requirements for Dispensing Devices.



These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-12 at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.

(g) All storage tanks located at an elevation that produces a gravity head on the dispenser or on integral piping positioned below the product level in the storage tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, Tank Openings Other Than Vents, and located as close as practical to the storage tank. In addition, anti-siphon valves for suction and pressurized systems with dispensers that are subject to NFPA 30A, shall be installed and maintained in accordance with Section 11.2 of NFPA 30A, Marine Fueling - Storage. Storage tank systems without dispensers shall be installed with valves that will prevent the tanks from emptying if there is a leak or break in the integral piping.

(h) Pressurized integral piping systems connected to dispensers shall be installed with a method of leak detection that can detect a leak within one hour, and can be either a mechanical line-leak detector or an electronic line leak detector, or another device registered in accordance with Rule 62-761.850(2)F.A.C.

(Ought to be in this section as well as Section 600 to make it clear to owners and operators)

(i) Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with Rule 62-762.851(2), F.A.C. shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe test location or a method of monitoring to allow for a determination of the corrosion rate within the interstitial space or metallic surface within a contained area. The VCI system shall be designed and installed in accordance with the requirements specified in Rule 62-762.701(2), F.A.C.

(Allows the use of VCI's for interstitial corrosion protection)

(4) Spill containment systems.

(a) Storage tank systems shall be installed with a spill containment system at each tank fill connection meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C..

(b) Fillbox covers shall be marked or the fill connection tagged in accordance with Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference, and is available from the address given, or with an equivalent method approved by the Department in accordance with subsection 62-761.850(1), F.A.C.

(c) Spill containment systems, ~~including double-walled spill containment systems~~, shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C. **Double-wall spill containment systems are not required to perform interstitial integrity tests or monthly interstitial monitoring observations, and are considered single-wall spill buckets for the purpose of this rule.**

(Note – double-wall spill buckets are not required by rule or statute. If an owner chooses to purchase double-wall spill containment, it makes sense to perform a test at installation in accordance with manufacturers specifications, but owners should not be punished with extra costs if they have double-wall spill buckets. DEP should not require monthly interstitial monitoring or interstitial B.O.I.'s after installation unless an owner chooses to perform one instead of a hydrostatic test of the primary.)

(5) Dispensing systems and dispenser sumps.

(a) The dispensing system used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30 and Chapter 6, Fuel Dispensing Systems; Chapter 9, Operational Requirements; and Chapter 11, Marine Fueling of NFPA 30A.



(b) Dispensers shall be installed with a dispenser sump meeting the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and registered in accordance with subsection 62-761.850(2), F.A.C. The dispenser sump shall extend beneath the union of the integral piping and the dispenser, including the shear valve, if applicable.

(c) Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(6) Piping sumps.

(a) Piping sumps shall meet the performance requirements of paragraph 62-761.500(1)(b), F.A.C., and be registered in accordance with subsection 62-761.850(2), F.A.C. The sumps shall be designed, constructed, and installed to minimize water entering the sump.

(b) Piping sumps shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(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.

(b) Storage tank systems shall be equipped with an overfill device that:

1. Automatically shuts off flow to the storage tank when the storage tank is no more than 95% full;
2. Restricts flow to the storage tank when the storage tank is no more than 90% full and does not fill the storage tank beyond 95% capacity. Vent restriction devices such as ball float valves shall not be installed at facilities after *(the effective date of the rule)* unless the storage tank system meets the requirements of Section 7 of PEI/RP 100-11, UST Overfill Equipment Verification, Inspection and Testing; or
3. Alerts the transfer operator when the tank is no more than 90% full by triggering an alarm and does not fill the tank beyond 95% capacity.

(c) Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.

(d) Storage tank systems with capacities of 2000 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% capacity.

(e) Overfill devices shall be registered in accordance with subsection 62-761.850(2), F.A.C.

(f) New day tanks shall be installed with an overfill protection system that returns the regulated substance to the storage tank from the day tank through separate integral piping.

(g) All new float control valves installed on day tanks and all overfill alarms on storage tanks shall be tested annually at intervals not exceeding 12 months to demonstrate the float control valve or alarm is operating as designed. These records shall be kept for five years in accordance with Rule 62-761.710, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.500, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.510 Performance Standards for Category-A and Category-B Storage Tank Systems

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303-.3072 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.510, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.600 Release Detection Requirements Standards.

(1) General requirements.

(a) Storage tank systems shall have a method, or combination of methods, of release detection that:

1. Can detect a new release from any portion of the storage tank system;

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-761.800(2), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring.

Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, and visual release detection methods.

(Clarification)



2. Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability to ensure that the device is functioning as designed; and

3. Meets the applicable performance standards in Rule 62-761.640, F.A.C. All manufacturer's instructions, and the performance claims and their manner of determination described in writing by the equipment manufacturer or installer shall be retained for as long as the storage tank system is used.

(b) A release detection response level shall be described in writing for each method or combination of methods of release detection used for a storage tank system.

(c) A release detection method shall be established and provided for all storage tank systems upon installation.

(d) Except as otherwise specified in this Rule Rules 62-761.600-.640, F.A.C., the release detection method or combination of methods used at a facility shall be performed at least once ~~every~~ a calendar month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. Any ~~Every~~ component of a storage tank system **that contains, transfers, or stores, or is designed to contain, transfer, or store pollutants** that can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-761.710, F.A.C. Any visual inspection of **any component** a storage tank ~~system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances~~ that reveals **pitting corrosion with more than a fifty percent loss of its original design thickness, or cracking, splitting, blistering, delamination, softening signs of corrosion, cracks,** structural damage, leakage, or other similar problems **with fiberglass, steel, polyethylene, or any other materials of construction for equipment registered in accordance with Rule 62-761.850(2), F.A.C.** is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. Repairs shall be made in accordance with Rule 62-761.700, F.A.C. A **monthly** visual inspection is not required for any system component using an electronic release detection method, **but piping sumps must be visually inspected every six months and records kept of the visual inspection.** At least once a month, but not exceeding 35 days, any storage tank and component of a storage tank that can be inspected visually shall be visually inspected in accordance with paragraph 62-761.640(2)(e), F.A.C. A visual inspection is not required for any system component that has a continuous or monthly electronic release detection sensor. Continuous electronic leak detection devices shall be inspected for proper operation on a monthly basis. Inspection may consist of visual observation or remote verification of proper operation.

(Same language as used in the INF section, and will ensure that only bonafide incidents will be reported, and that minor ethanol-induced corrosion will not be included. The proposal for semi-annual visual inspections of piping sumps is a safeguard for faulty sensors)

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-761.700(3), F.A.C.; and

2. Registered in accordance with subsection 62-761.850(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered. A site suitability determination shall be performed for UST systems by December 31, 1998, in accordance with paragraphs 62-761.640(2)(a)-(d), F.A.C., for storage tank systems using groundwater or vapor monitoring wells for release detection. If the site suitability determination indicates that on-site conditions are unsuitable for external monitoring, another method of release detection must be used.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to potential releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results. Vapor monitoring plans shall be performed by December 31, 1998, for UST systems, in accordance with paragraph 62-761.640(2)(d), F.A.C., for storage tank systems using vapor monitoring for release detection.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable. Any component of a storage tank system with secondary containment shall have an interstitial monitoring method meeting the requirements of paragraph 62-761.640(3)(a), F.A.C.

(i) Storage tank systems that store fuel solely for use by emergency power generators shall comply with the



release detection requirements of Rule 62-761.600, F.A.C., within 90 days of the effective date of the Rule. Pressurized piping, excluding bulk product piping, shall be equipped with a line leak detector that meets the standards of paragraph 62-761.640(4)(a), F.A.C. Gravity piping systems are exempt from this requirement.

(2) Storage Tanks.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels can not be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response, ~~and except for liquids confirmed as de minimus amounts of condensate, the~~ The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Recognizes the common reality of small amounts of interstitial condensate)

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Vacuum or pressure readings shall be able to detect a ~~50~~ 40% change from one month to the next, or any cumulative change of vacuum or pressure exceeding ~~50~~ 20% of the initial level or of a vacuum or pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-761.850(2), F.A.C. Any change indicated above is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Release detection with gauges for USTs with double-walls, as well as associated integral piping, is often difficult because of variable influences and factors such as temperature, humidity and water in the piping sump, atmospheric pressure, and piping runs that go above and below ground. Small changes in vacuum and pressure are inevitable, and the 50% proposal will assist with the range of fluctuations that can occur. If there is a hole or breach in the system, it will not be able to hold ANY vacuum).



b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water and/or regulated substances in the interstice **other than deminimus levels of condensate** is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(Recognizes the inevitable presence of small amounts of condensate)

8. Visual monitoring of liners. This method shall be able to detect the presence of liquid at a low point of the liner. The accumulation of water or condensation in the low point of the liner shall not interfere with the ability to detect regulated substances. Any **evidence of petroleum-stained containment surfaces, free product, or leaking of regulated substances from any part of a storage tank system secondary containment presence-of-regulated-substances** in the liner is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(If left unchanged, the “any presence” requirement could be interpreted by inspectors as a slight sheen from a couple of drops of fuel released when a fuel filter was changed. It would create incidents at nearly every facility in Florida)

(3) Integral piping with secondary containment.

(a) One or more of the release detection methods in subsection 62-761.600(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter 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. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and restrict flow within one hour. Any instance where the mechanical line leak detector is restricting flow is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C. **Monthly release detection printed tapes from automatic tank gauges for electronic line leak detectors are not required to be kept as records to demonstrate compliance. However, if electronic or printed data from an electronic line leak detector indicates a potential incident has occurred, the printed data must be kept as a record and the incident investigated in accordance with Rule 62-761.430, F.A.C.**

(Makes it clear that owners and operators of electronic line leak detectors are not punished for having a more effective and environmentally friendly method of piping release detection than owners with mechanical line-leak detectors that are not as effective.)

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of ten gallons within one hour and shutting off the pump. Any instance where the monitoring device has shut off the pump is considered a positive response. The positive response shall be recorded as part of the release detection records and reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(4) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing

Laboratory.

(5) Records shall be kept for **threefive** years in accordance with Rule 62-761.710, F.A.C.

(Recordkeeping for three years correlates to the Departments inspection frequency and is less of a burden for facility owners)

(j) Any storage tank system not provided with a method, or combination of methods, of release detection in accordance with this section, shall be closed in accordance with subsection 62-761.800(2), F.A.C., by the date upon which release detection is to be provided.

(k) Groundwater and vapor monitoring wells meeting the standards for external monitoring specified in paragraphs 62-761.640(2)(a)-(d), F.A.C., that are no longer used for release detection, shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 2010. Wells not meeting these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are:

1. Used for contamination assessment purposes as specified in paragraph 62-761.600(2)(d), F.A.C.; or
2. Required by rules adopted by a County government in accordance with Section 376.317, F.S.

(2) By December 10, 1990, vehicular fuel petroleum storage tank systems of greater than 550 gallon capacity shall be provided with release detection. Release detection for all other storage tank and integral piping systems in contact with the soil shall be provided by December 31 of the year shown in Table RD.

TABLE RD

Year Storage

Tank System

Installed

Before 1970 or

unknown

1970-1974

1975-1979

1980-1990

Year Release

1990

P/RD

P

P

P

Detection Required

1991

RD

RD

RD

RD

1992

RD

RD

RD

RD

1993

RD

RD

RD

RD

P = Installation of Release Detection for Pressurized Piping

RD = Installation of Release Detection for Tanks and Suction Piping.

(3) Effective December 31 of the applicable year specified under the schedule in Table RD, any groundwater monitoring plan or spill prevention control and countermeasure plan implemented before December 22, 1990, shall be capable of detecting the leak rate or quantity specified in paragraph 62-761.640(1)(a), F.A.C.

(4) UST systems that store fuel solely for use by emergency power generators are not required to comply with the release detection standards of Rules 62-761.600 through 62-761.640, F.A.C.

(5) Monitoring wells shall meet the standards of subsection 62-761.640(2), F.A.C., by December 31, 1998. Wells that do not meet these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are required by a rule that was adopted by a County government in accordance with Section 376.317, F.S. However, if a monitoring well is used solely for the purpose of monitoring petroleum contamination in accordance with Chapter 62-770, F.A.C., the well does not have to be closed until the completion of the site rehabilitation pursuant to Chapter 62-770, F.A.C. Covers of leak detection monitoring wells redesignated as site assessment wells by the facility owner or operator shall be colored black with a white circle within the black background. The diameter of the white circle shall be approximately one half the diameter of the manhole cover, or approximately four inches.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History—New 12-10-90, Formerly 17-761.600, Amended 7-13-98, 6-21-04, _____.

62-761.610 Release Detection Methods

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.610, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.640 Performance Standards for Release Detection Methods



Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.640, Amended 9-30-96, 7-13-98, 6-21-04, Repealed.

Substantial rewording of Rule 62-761.700, F.A.C., follows. See Florida Administrative Code for present text.

62-761.700 Repairs, Operation and Maintenance of Storage Tank Systems.

(1) Repairs.

(a) Repairs shall be performed, as necessary, if any component of a storage tank system has:

1. A release or contributed to a release of a regulated substance; or

2. **Other than de minimus levels of condensate, an** operational or structural problem that could potentially result in a release, or lead to the presence of water in the interstice of a double-walled storage tank or integral piping.

(b) The storage tank system shall immediately cease operating, dispensing, and/or accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and

2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shut down of electrical generating units serviced by the storage tank system.

(c) Repairs shall be made:

1. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure or corrosion for the remaining operational life of the storage tank system; and

2. In accordance with manufacturer's specifications and applicable reference requirements.

(d) **If repairs are needed for any primary or secondary tank or piping system walls, or any component of the storage tank system with an interstitial space, then the repaired** ~~Repaired~~ components shall be integrity tested for liquid tightness before being placed back into operation.

(This proposed revision in red limits the integrity testing to the primary and secondary spaces for underground storage tanks and will minimize inspector misinterpretation)

(2) Cathodic **and Corrosion** protection.

(a) Cathodic **and Corrosion** protection systems shall be operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil **or within interstitial spaces using vapor corrosion inhibitor technologies**.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory-installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in NACE International Standards SP0169-2007 and SP0285-2011, **or STI R051-06 Cathodic Protection Testing Procedures for sti-P3 UST's (R051)**, as applicable. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

(Recommend adding STI R051 as an additional test method for testing sti-P3 tanks. Steel Tank Institute has performed over 100,000 tests on sti-3 tanks. STI was instrumental in revising NACE tank cathodic protection testing procedures for underground storage tanks, especially tanks with galvanic anodes. The STI R051 needs to be referenced.)

2. Storage tank systems with impressed current systems shall be inspected at intervals not exceeding two months. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 1440 hours in one year shall be immediately taken out-of-service and within 30 days, and assessed by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria.

(c) Records of the continuous operation of impressed current systems and all cathodic protection inspection,



testing, and repair activities shall be maintained in accordance with paragraph 62-761.710(3)(c), F.A.C.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1. Be repaired within ~~90~~30 days in accordance with subparagraph 62-761.700(2)(b)1., F.A.C., or
2. Be closed in accordance with subsection 62-761.800(2), F.A.C.

(A corrosion professional generally doesn't review test reports. A cp tester alone will test and pass/fail a system. 30 days is not adequate time to have a system repaired. 90 days is more appropriate.)

(3) Vapor Corrosion Inhibitors

(a) Vapor Corrosion Inhibitor systems shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks and piping. Vapor Corrosion Inhibitors can also be used for corrosion control for the ullage of USTs or other enclosed spaces.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year thereafter. All VCI protection systems shall have permanent test stations with at least one electrical resistance probe to measure corrosion rates, or a method of monitoring to allow for a determination of VCI effectiveness and to monitor current operating status of the VCI protection system.. If the data from the electrical resistance probes or from an alternate method or source of data evaluated by a Corrosion Professional indicate that the vapor corrosion inhibitors have been depleted and can no longer provide the design capacity to protect the targeted metallic surfaces for the designed time period, the Corrosion Professional shall direct the replenishment or replacement of the depleted vapor corrosion inhibitors with a new quantity of vapor corrosion inhibitors.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturers instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days in and be retested within 90 days from the date of replenishment; or
2. Be closed in accordance with subsection 62-762.801(2), F.A.C.

(All proposed revisions in this sub-section are intended to provide the option of using vapor corrosion inhibitor technologies that perform a similar function to cathodic protection by using a different approved technology. For USTs, VCI's can be used in piping sumps, metallic interstitial spaces, and the ullage of metallic double-wall USTs)

(3) Operation and maintenance.

(a) Integrity testing.

1. The integrity of ~~the~~ secondary containment ~~systems~~ and interstitial spaces ~~of small diameter piping installed after the effective date of the rule~~ shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications or PEI/RP1200-12. ~~The integrity of containment sumps with capacities less than 500 gallons that are installed after the effective date of the rule shall be verified by performing a containment integrity test. Small diameter piping installed after the effective date of the rule~~ Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed by January 1, 2020, and every five years thereafter. The interstitial spaces of double-wall underground tanks and single~~in accordance with the following schedule:~~

~~a. Double-walled storage tanks shall be tested by January 1, 2015, and every five years thereafter;~~



- ~~b. The interstice of double-walled integral piping by January 1, 2015, and every five years thereafter;~~
- ~~c. Below grade piping sumps by January 1, 2015, and every five years thereafter;~~
- ~~d. Below grade dispenser sumps by January 1, 2015, and every five years thereafter;~~
- ~~e. Double-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter;~~
- ~~f. Single-walled spill containment systems within one year of (the effective date of the rule) and at intervals not exceeding every 12 months thereafter; and~~
- ~~g. Single-walled storage tanks or integral piping installed within liners are exempt from this requirement.~~

(This requirement is an example of making a problem out of something that is not a problem. Breach of Integrity testing has limited value on USTs because it often induces leaks and damages storage tank systems. B.O.I. tests create a great additional risk for regulatory-induced discharges. Double-wall underground tanks and piping usually have very small interstitial spaces that are very susceptible to damage from over pressure or vacuum. Additionally, these systems are not designed to have periodic interstitial integrity tests, and the depth or presence of groundwater is not always factored in to the testing parameters by the B.O.I testing company. If an area has a high ground water table, the added weight of the water over the tank could and has caused the failure of the interstitial space if the additional pressure is not accounted for. It is recommended that integrity testing be performed only at the time of installation for small diameter piping and system containment components installed after the effective date of the rule, and that the facility rely on the presence of liquids in the interstice for release detection. This change would enable manufacturers to properly design for the testing of the piping. Given the FDEP Leak Autopsy study data that shows piping as a significant risk and problem for releases, it makes sense to limit B.O.I.'s to piping and not include USTs. There is no cost-benefit to this onerous requirement, and the risk of causing new leaks is not worth the requirement for breach of integrity testing. Also, the Department has no data showing that double-wall USTs are failing (except perhaps for after a B.O.I.)

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level four inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket. The secondary containment system shall be deemed tight if the water level remains stationary for a three hour period.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C.

(b) Water removal.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, **or water levels above the lowest side-wall penetration of a below-ground containment sump,** or any regulated substance collected in secondary containment, spill containment systems, or in piping sumps and dispenser sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

(This addition confirms inspector policy of ignoring any water in a sump that does not adversely affect the ability of the release detection to work.)

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 3-12-91, Formerly 17-761.700, Amended 9-30-96, 7-13-98, 6-21-04,_____.

62-761.710 Recordkeeping.

(1) All records shall be dated, maintained in permanent form, and available for inspection by the Department or County. If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon five working days of the Department's request notice. ~~Site access to the facility shall be provided for~~



compliance inspections conducted at reasonable times.

- (2) Records of the following are required to be kept for ~~three~~**five** two years:

(Three years synchronizes with the three year inspection schedule of the Department and the Energy Act of 2005)

- (a) Measurements and reconciliations of inventory, as applicable;
- ~~(b)~~ Repair, operation, and maintenance records;
- ~~(b)(c)~~ All release detection results, including electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraph 62-761.600(1)(e) 62-761.640(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;
- ~~(c)(d)~~ All test data and results gathered during annual operability tests and integrity tests Release detection response level descriptions; and
- ~~(d)(e)~~ A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-761.850, F.A.C.;
- ~~(f)~~ Certification of Financial Responsibility on Form 62-761.900(3);
- ~~(g)~~ Records of the types of fuels stored per tank,; and
- ~~(h)~~ The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.

(3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:

- (a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment Results of internal inspections and non-destructive testing;
- (b) Any performance claims for release detection equipment described in writing by the equipment manufacturer or installer;
- ~~(c)~~ Records of storage tank system installations, replacements, recertifications, and upgrades;
- ~~(c)(d)~~ Records of installation, maintenance, inspections, and testing of cathodic protection systems in accordance with NACE standards;

(d) Records of installation, maintenance, inspections, and testing of vapor corrosion inhibitor protection systems in accordance with Corrosion Professional recommendations;

(Includes requirements needed to demonstrate the effectiveness of the corrosion control provided by the vci technology)

- ~~(d)(e)~~ Record drawings ("as-builts") as specified in paragraph 62-761.500(1)(h), F.A.C. Site suitability determinations in accordance with subsection 62-761.640(2), F.A.C.;
- ~~(e)(f)~~ A copy of all INFs, and the results of all incident investigations as specified in Rule 62-761.430, F.A.C. Vapor monitoring plans and all records kept pursuant to the plan;
- ~~(f)(g)~~ A copy of all DRFs Closure assessment reports if the location continues as a facility; and
- ~~(g)(h)~~ A copy of all Closure Reports, as referenced in paragraph 62-761.210(2)(c), F.A.C., if the location continues as a facility Verification from a Certified Contractor of the existence of a single check valve beneath the suction pump for suction piping systems.

(4) Records to demonstrate financial responsibility shall be maintained until storage tank system closure.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.322 FS. History--New 12-10-90, Formerly 17-761.710, Amended 9-30-96, 7-13-98, ~~Repromulgated~~ 6-21-04, _____.

62-761.800 Out-of-Service and Closure Requirements.

- (1) Out-of-service storage tank systems.

(a) General.

1. Storage tank systems that are taken out-of-service, as required in this subsection as defined in subsection 62-761.200(40), F.A.C., shall continue to be maintained in accordance with this Chapter unless otherwise noted herein.



2. Facility owners and operators of out-of-service storage tank systems shall:
- Continue to operate and maintain corrosion protection in accordance with subsection paragraph 62-761.700(2)(4)(b), F.A.C.;
 - Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-761.640(2), F.A.C.;
 - Leave vent lines open and functioning;
 - Remove all regulated substances so that no more than one inch in depth **or 0.3 percent by weight** of regulated substances remains in the storage tank ~~Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and~~
 - Secure or close off the system to outside access.

(Current rule is not a problem, and 0.3 is in the current rule)

32. Facility owners and operators of out-of-service storage tank systems shall monitor the interstice and the liquid level in the storage tank annually ~~but not to exceed 12 months~~. Records of these inspections shall be maintained in accordance with subsection 62-761.710(2), F.A.C. In the event that liquid in excess of one inch in the storage tank or any liquid in the interstice is discovered, **facility owners and operators must follow the procedures for suspected incidents an INF must be submitted in writing or electronic format and an investigation as to the cause performed** pursuant to Rule 62-761.430, F.A.C. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.

(Department's proposed language compels an INF, while the suggested revision requires following procedures for suspected incidents. It's not an incident until after the investigation)

43. Release detection device annual operability testing, containment and **interstitial** integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems **installed after the effective date of the rule** that have been out-of-service for more than ~~two years~~ **365 days** shall perform interstitial integrity testing of the storage tank and **small diameter** integral piping before adding regulated substances to the storage tank system. Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out of service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-761.800(2), F.A.C.

(This requirement for interstitial integrity testing should be eliminated for existing systems, but if the tank has been out of service for two years without monthly release detection then a B.O.I. could be performed for tanks and piping installed after the effective date of the rule that have been properly designed to have safe interstitial integrity testing.)

54. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with subsection 62-761.800(2), F.A.C. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., as applicable, on any systems being returned to service.

(b) Before being returned to service, the following tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., for systems that are taken out of service for more than 180 days:

- A tightness test for single-walled systems; or
- A breach of integrity test for double-walled Category C systems.

(c) Single-walled systems that are taken out of service shall not be kept out of service longer than two years for corrosion-protected systems or one year for unprotected bare steel systems. After the end of these time periods, the systems shall either be upgraded or permanently closed.

(2) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: General:



1. A storage tank system that is out-of-service or has not had regulated substances added to or withdrawn from the system for more than ~~Closure of storage tank systems shall be performed by:~~

- a. Two years for single-walled storage tank systems; or ~~Removing all liquids and accumulated sludges;~~
- b. Ten years for storage tank systems with secondary containment. ~~Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~
- c. ~~Closing the storage tank system in accordance with paragraphs 62-761.800(2)(b), F.A.C., as applicable; and~~
- d. ~~Conducting a closure assessment in accordance with subsection 62-761.800(3), F.A.C.~~

2. A storage tank system that fails to meet the requirements of Rule 62-761.500, F.A.C. After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

3. A storage tank system that requires repair pursuant to Rule 62-761.700, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter. Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-761.600(1)(k), F.A.C.

(b) Closure of storage tank systems shall be performed by: ~~Unmaintained systems shall be permanently closed within 90 days of discovery.~~

(c) System removal, closure in place, and disposal shall be performed:

1. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes; In accordance with API RP 1604 and NFPA 30; and

2. Removing or disconnecting and capping all integral piping; By a Certified Contractor if the system is removed from the ground, unless it is closed in place by filling it with a solid inert material of sufficient density to prevent a structural collapse of the closed system.

3. Removing and disposing of a storage tank by a Certified Contractor, or in-place closure by filling the storage tank with a solid inert material of sufficient density to prevent a structural collapse of the closed storage tank, which shall be in accordance with the following documents hereby adopted and incorporated by reference, and available from the addresses given. Closure of Underground Petroleum Storage Tanks, API Recommended Practice 1604, 3rd Edition, March 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, and Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C). In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances in accordance with API RP 1604. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities; and

4. Conducting a Closure Evaluation and preparing a Closure Report, as referenced in paragraph 62-761.210(2)(c), F.A.C., in accordance with subsection 62-761.800(3), F.A.C.

(c) The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements.

(3) Closure Report and Evaluation Requirements, as referenced in paragraph 62-761.210(2)(c), F.A.C. Closure assessment of storage tank systems.

(a) Closure Report ~~At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.~~

1. A Closure Report is always required and shall be completed in accordance with the Department's "Storage Tank System Closure Guidelines - Closure Evaluation Guidance," specified in paragraph 62-761.210(2)(c), F.A.C., at the time of closure, replacement, installation of secondary containment, repairs performed because of an operational or structural problem that could potentially result in a release, or change in service from a regulated substance to a non-regulated substance for tanks, integral piping, and other system components in contact with the soil. If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.

2. A Closure Report (including a Closure Evaluation, as required), shall be submitted in writing or electronic format to the County within 60 days of completion of any of the activities listed in subparagraph 62-761.800(3)(a)1., F.A.C. Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

(b) Closure Evaluation. In addition to a Closure Report, all storage tank systems in contact with the soil must perform a Closure Evaluation according to the Department's "Storage Tank System Closure Guidelines - Closure



Evaluation Guidance” specified in paragraph 62-761.210(2)(c), F.A.C. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP’s “Storage Tank System Closure Assessment Requirements”;

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure; and

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-761.640(3)(a), F.A.C.;

(c) Closure assessment sampling and analysis shall be conducted according to DEP’s “Storage Tank System Closure Assessment Requirements.”

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-761.800(3)(a), F.A.C. The report shall include sample types, sample locations and measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP’s “Storage Tank System Closure Assessment Requirements.”

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.30716 FS. History–New 12-10-90, Formerly 17-761.800, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.820 Incident and Discharge Response.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.820, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

62-761.850 Alternative Procedures Requirements and Equipment Registration Approvals.

(1) Alternative procedure requirements.

(a) Any person subject to the provisions of this Chapter may request in writing a determination by the Secretary or the Secretary’s designee that any requirement of this Chapter shall not apply to a regulated storage tank system at a facility, and shall request approval of alternative ~~alternate~~ procedures or requirements.

(b) On Form 62-761.900(4), Alternative Requirement or Procedure Form, effective date, *(the effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

The request shall set forth at a minimum the following information:

1. The specific storage tank system or facility for which an exception is sought;
2. The specific provisions of this Chapter 62-761, F.A.C., from which an exception is sought;
3. The basis for the exception;
4. The alternative procedure or requirement for which approval is sought;
5. Documentation that demonstrates that the alternative procedure or requirement provides an equivalent or greater degree of protection for the lands, surface waters or groundwaters of the State as the specific provisions of this Chapter from which an alternative procedure is sought ~~established requirement~~; and
6. Documentation that demonstrates that the alternative procedure or requirement is at least as effective as the established procedure or requirement.
7. If an alternative ~~alternate~~ procedure or requirement is not able to be sought under subparagraph 5. or 6., then documentation that demonstrates that the specific provisions of this Chapter from which the exception is sought imposes regulatory costs on the regulated entity that could be reduced through approval of a less costly regulatory alternative or requirement that provides a substantially equivalent degree of protection for the lands, surface waters,



or groundwaters of the State as the established requirement.

(c) The Department shall issue an Order either: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(1), F.A.C., are met.

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-761.850(1)(b), F.A.C.; or

2. Denying the request and stating the reason(s) the request does not make an adequate demonstration that the requirements of paragraph 62-761.850(1)(b), F.A.C., have been met.

(d) ~~The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S. The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval.~~

(e) The provisions of this Rule do not preclude the use of any other applicable relief provisions.

(2) Registration of storage tank system equipment and release detection systems and methods ~~Equipment~~ approvals.

(a) Owners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods (including equipment and methods that were previously approved by the Department under the former Equipment Approval process) have been registered with the Department. Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:

(b) Any storage tank system equipment installed after *(the effective date of the rule)* must be registered with the Department in accordance with this section. Upon discovery, non-registered storage system equipment installed after *(the effective date of the rule)* must be removed within 90 days, unless registration is obtained and listed within the 90 day time period.

(c) Equipment previously approved by the Department under the former Equipment Approval process and installed prior to *(the effective date of the rule)* can continue to be used regardless of later non-renewal or removal of registration from the list of registered storage tank system equipment, provided the equipment is still operating as designed.

(d) Only the storage tank system equipment as stated in this Chapter shall be registered by the equipment manufacturer using Form 62-761.900(3) Storage Tank System Equipment Registration Form, effective date, *(the effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. The following storage tank system equipment is exempt from registration:

1. Dispensers, dispenser islands, nozzles, and hoses;
2. ~~Monitoring well bailers;~~
3. Manhole and fillbox covers;
4. Valves and ball float valves;
5. Cathodic protection test stations;
6. ~~Metallic bulk product piping;~~
7. Small diameter integral piping not in contact with soil, unless the integral piping extends over or into surface waters; and
8. Vent lines.

7. Gauges used for vacuum and pressure monitoring

(e)(b) Registration ~~Equipment approval~~ requests shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will ~~provide equivalent protection or~~ meet the appropriate performance ~~requirements standards~~ contained in this Chapter. Any approvals or denials received from other states or countries shall be included in the registration approval request to the Department.

(f)(e) A third-party demonstration by a Nationally Recognized Testing Laboratory shall be submitted in writing or electronic format to the Department with the application. The third-party demonstration shall provide:

1. A technical evaluation of the equipment;
2. Test results that verify that the equipment will function as designed; ~~and~~
3. A professional certification or determination that the equipment meets the performance



requirements standards contained in this Chapter; Rule 62-761.500, F.A.C.

4. Integrity test requirements and procedures; and

5. Annual operability testing procedure for the equipment or release detection system or method.

(g)(d) Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection and be listed with the National Work Group On Leak Detection Evaluations, <http://www.nwglde.org/>, prior to being used. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(2), F.A.C., are met.

(h)(e) The storage tank system equipment and release detection systems and methods registered with the Department under this subsection must be renewed every five years. Failure to renew will result in removal from the equipment registration list. Any changes, improvements, or modifications to equipment beyond the scope of the original demonstration by the Nationally Recognized Testing Laboratory will require a renewal of the registration and a new demonstration from a Nationally Recognized Testing Laboratory pursuant to paragraph 62-761.850(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) The Department shall place conditions upon the use of the storage tank system equipment and release detection systems and methods, remove equipment or methods from the list of registered storage tank system equipment, or not renew registration based on the information submitted to the Department in accordance with this subsection or if the equipment does not perform in field application as certified in the third party certification by a Nationally Recognized Testing Laboratory.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-761.850, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.900 Storage Tank Forms.

The forms used by the Department in the Storage Tank System Program are adopted and incorporated by reference in this section. The forms are listed by form rule number, ~~which is also the form number, and with the subject title,~~ and effective date. Copies of forms are available ~~may be obtained~~ by writing to the ~~Administrator, Storage Tank Regulation Section,~~ Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500 ~~4525,~~ Tallahassee, Florida 32399-2400, or at or online at: www.flrules.org/Gateway/reference.asp?No=Ref-000### or <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(1) Form 62-761.900(1) Discharge Report Form, (the effective date of the rule) July 13, 1998.

(2) Form 62-761.900(2) Storage Tank Facility Registration Form, (the effective date of the rule) July 13, 1998.

(3) Form 62-761.900(3) Storage Tank System Equipment Registration Form, (the effective date of the rule)

Certification of Financial Responsibility, July 13, 1998.

(4) Form 62-761.900(4) Alternative Requirement or Procedure Form, (the effective date of the rule) July 13, 1998.

(5) Form 62-761.900(5) Underground Storage Tank Installation and Removal Form for Certified Contractors, (the effective date of the rule) July 13, 1998.

(6) Form 62-761.900(6) Incident Notification Form, (the effective date of the rule) July 13, 1998.

(7) ~~Monthly Statistical Inventory Reconciliation (SIR) Report, July 13, 1998.~~

(8) ~~Limited Closure Summary Report Form, July 13, 1998.~~

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 12-10-90, Formerly 17-761.900, Amended 9-30-96, 7-13-98, Repromulgated 6-21-04, _____.

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October 2, 2015

VIA ELECTRONIC MAIL

Mr. William E. Burns, Jr.
Florida Department of Environmental Protection
Division of Waste Management MS #4500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: CITGO Petroleum Corporation's Written Comments Resulting from the Workshop Held on September 16, 2015 Concerning Proposed Revisions to the Aboveground Storage Tank System Rule, Chapter 62-762 of the Florida Administrative Code

Dear Mr. Burns:

These written comments are submitted on behalf of CITGO Petroleum Corporation ("CITGO") concerning the proposed revisions to Florida's Aboveground Storage Tank ("AST") Rule, Chapter 62-762 of the Florida Administrative Code ("F.A.C."). These comments apply to the coded draft rule that was presented at the public workshop held on September 16, 2015. Language coded in **green** is proposed by CITGO to be added, and language coded in **red** is proposed by CITGO to be deleted. Page and line number references are keyed to the Word version of the coded draft distributed on September 16, 2015 at the workshop.

COMMENT 1

CITGO supports the Department's proposed language to exclude from the rule "docklines" running between the marine transfer area at the seawall up to the first valve inside the dike field area or other approved containment within a regulated bulk product facility so long as these pipelines are outside of the regulated facility.

COMMENT 2

CITGO agrees with the Department's interpretation that pitting or corrosion could be a positive response indicating an incident. For clarification, CITGO would add language indicating that the pitting or corrosion condition be "uncontrolled" rather than "untreated" to be considered reportable. Some controlled corrosion may be actually part of the design

Mr. William E. Burns, Jr.
October 2, 2015
Page 2

performance of a component in a storage tank system. The change would be made in several locations in the rule. Section 62-762.431 at page 16 line 44 of the coded draft:

1. Any visual inspection of any part of a storage tank system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances that reveals **uncontrolled** ~~untreated~~ pitting or corrosion, structural damage, leakage, or other similar problems greater than the allowance as specified in the storage tanks system's current API 653 and STI SP001;

in Section 62-762-601, at page 29, line 33 of the coded draft:

- (e) Visual inspections. At least once a month, but not exceeding 35 days, 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** ~~untreated~~ pitting or corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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. A monthly visual inspection is not required for any system component using an electronic release detection method; however, piping and dispenser sumps that use an electronic release detection method must also be visually inspected every six months and records kept of the visual inspection.

and in Section 62-762.601, at page 31 line 43 of the coded draft:

- (e) Visual inspections. At least once a month, but not exceeding 35 days, every component of a storage tank system that that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances 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** ~~untreated~~ pitting or corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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 62-762.702, F.A.C. A visual inspection is not required for any system component using an electronic release detection method.

COMMENT 3

On page 24 at line 28 – 31, CITGO suggests rewording the text of the rule for clarification. CITGO's proposed rewording is as follows:

4. Storage tank systems without dispensers installed after, (effective date of the rule), that produce a gravity head on small diameter integral piping positioned below the product level in the tank must be installed with valves or piping designed ~~that will~~ to prevent the tanks from emptying if there is a leak or break in the integral piping in accordance with NFPA 30.

COMMENT 4

CITGO previously proposed that only a complete loss of vacuum should be investigated as an incident, but fluctuation in vacuum should not. Vacuum may fluctuate more than 50% because of the loading of the tank or a temperature change of the product. Such fluctuations are not incidents but are normal operating circumstance of vacuum monitoring systems. A complete loss of vacuum, however, should be the trigger for an incident. CITGO previously proposed, and the Department accepted, the following change to Section 62-672.601 and 62-762.602, F.A.C. for the language of the coded draft at page 30, line 26 - 32 and at page 32, line 34 - 40:

- a. For shop fabricated storage tanks, pressure readings shall be able to detect a 50% change from one month to the next, or any cumulative change of pressure exceeding 50% of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

and

- a. For pressure readings shall be able to detect a 50% change from one month to the next, or any cumulative change of pressure exceeding 50% of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

Mr. William E. Burns, Jr.
October 2, 2015
Page 4

CITGO agrees with these changes; however, another section of the rule should also be changed to be consistent. In Section 62-762.431 at page 16, line 51, CITGO suggests that the language be changed as follows:

5. Any **complete** loss of vacuum or a 50% change in pressure from one month to the next;

COMMENT 5

CITGO agrees with the Department's language recognizing that alternate procedures previously approved by the Department are preserved, and facilities operating under these approved alternate procedures should be allowed to continue to operate under them.

COMMENT 6

CITGO is concerned that the 1440 annual cumulative hour limitation for inoperative impressed current cathodic protection systems for field erected storage tank systems (Page 38, Lines 6 – 12) is too restrictive and will adversely impact field erected storage tank systems' operations without a corresponding increase in environmental protection. The 1440 hour limitation equates to 60 days. Some maintenance activities for field erected storage tank systems may take more than 60 days, and during the maintenance activity, the storage tank system may be disconnected from the impressed current system. As an alternative to the strict 1440 hour limit, CITGO would suggest that the 1440 hour limitation be changed to 2976 hours and made cumulative and moderated with an alternative certification from a Corrosion Professional that the term of the inoperative impressed current system has not impaired the structural integrity of the storage tank system. CITGO suggests the rule be modified as follows:

2. Storage tank systems equipped with impressed current systems shall be inspected at intervals not exceeding 60 days. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a **cumulative** consecutive period exceeding ~~1440~~ 2976 hours in one year shall be ~~immediately taken out of service and be~~ assessed within 30 days by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria or **taken out-of-service and assessed by a Corrosion Professional before being returned to service.**

Commented [CK1]: Asking Stephen Brown a question

COMMENT 7

The Department has changed the definition of "out-of-service" to state:

Mr. William E. Burns, Jr.
October 2, 2015
Page 5

~~(51)(53)~~ “Out-of-service” means a storage tank system or system component that is designated as out-of-service by the owner or operator to the Department on Form 62-761.900(2), F.A.C.

Thus, as a corollary, as long as the system is being properly maintained under the rule, the system remains in service; however, later in the rule, there is language dictating that a storage tank system must be closed if it has not had a regulated substance added or withdrawn from the system within a set time frame. Thus, under this interpretation of the rule language, a storage tank system must be closed and its value lost even it is still in service and being maintained under the rule.

CITGO suggests that the language at page 41, line 36 - 42 should be modified to recognize the ability to maintain a shop fabricated storage tank system in service:

~~(2)(3)~~ Closure of storage tank systems.

~~(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: General.~~

~~1. A storage tank system that is out-of-service ~~or~~ and has not had regulated substances added to or withdrawn from the system for more than: Closure of storage tank systems shall be performed by:~~

~~a. Five years for single-walled storage tank systems; or Removing all liquids and accumulated sludges;~~

~~b. Ten years for storage tank systems with secondary containment. Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~

~~c. Closing the storage tank system in accordance with paragraph 62-762.801(3)(b), F.A.C., as applicable; and~~

~~d. Conducting a closure assessment in accordance with subsection 62-762.801(4), F.A.C.~~

CITGO also suggests that the language at page 44, line 34 - 40 be modified to recognize the ability to maintain a field erected storage tank system tank in service:

~~(3)~~ Closure of storage tank systems.

~~(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection:~~

~~1. A storage tank system that is out-of-service ~~or~~ and has not had regulated substances added to or withdrawn from the system for more than:~~

~~a. Five years after *(effective date of the rule)* for single-walled storage tank systems; or~~

~~b. Ten years after *(effective date of the rule)* for storage tank systems with secondary containment.~~

Mr. William E. Burns, Jr.
October 2, 2015
Page 6

CITGO appreciates the Department's effort put into this rule development process to develop a rule consistent with the Department's environmental concerns and CITGO's operational needs for bulk product facilities in Florida.

Cordially,

/S Robert W. Wells

Robert W. Wells

cc: CITGO Petroleum Corporation
Florida Petroleum Council

Complete

From: [Mike Petrovich](#)
To: [Burns, Bill](#)
Cc: [Curran, Kimberley](#); [Hewitt, Betsy](#); [Svec, John](#); ["Mark Jones"](#); ["Tanya Portillo"](#); ["McClure, Matt R."](#); [Justin Gostnell](#)
Subject: AST Rule Questions - FCG/FPL
Date: Thursday, October 01, 2015 1:59:31 PM

Bill – I am following up on a repeated comment that has been included in the FCG and FPL’s joint written comments on the AST rule. That comment relates to cathodic protection for double-bottomed field-erected ASTs. Specifically, the FCG and FPL would like to obtain written agency confirmation on two points. The first, that cathodic protection is not required for the above-referenced systems that have a liner and concrete in the interstitial space. Second, that cathodic protection is not required for double-bottomed tanks with only concrete in the interstice where such system design was part of a FDEP-approved alternate procedure order precluding the need for dike field secondary containment. We look forward to the Department’s reply. Thanks Bill.

Mike

Michael P. Petrovich

.....
Hopping Green & Sams, P.A.

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From: [Kutchera, Neil](#)
To: [Burns, Bill](#)
Cc: [Curran, Kimberley](#)
Subject: AST TAG Meeting - Comments
Date: Tuesday, September 29, 2015 10:12:03 AM

Kim,

Port Everglades would like to reiterate its opposition to the removal of docklines from regulation under 62-762. The correspondence below was sent earlier this year and is being transmitted again as comments to the September 16th workshop.

Respectfully,

Neil J. Kutchera
Assistant to the Port Director, Petroleum
Port Everglades Department, Broward County
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Fort Lauderdale, FL 33316
Office: (954) 468-3520, Cell: (954) 605-2431
email: nkutchera@broward.org

From: Kutchera, Neil
Sent: Friday, May 08, 2015 1:11 PM
To: Bill Burns (bill.burns@dep.state.fl.us)
Cc: Curran, Kimberley (Kimberley.Curran@dep.state.fl.us); Wiltshire, Glenn
Subject: AST TAG Meeting - Comments

Mr. Burns,

The Port respectfully requests the Florida Department of Environmental Protection review the applicability of F.A.C. 62-762 to docklines. Historically, regulation of docklines was recognized as being under the jurisdiction of the Department. It is understood that a recent, strict interpretation of the definition of “on-site” piping has resulting in an exclusion of docklines from the State’s oversight. It is the Port’s position that “on-site” piping as defined in subsection 201(50) specifically includes docklines. The entirety of the property occupied by docklines at Port Everglades is geographically contiguous to the regulated facility. Furthermore, the regulated facility exercises control of this property under the terms and conditions of an easement granted by a long-term Bulk Petroleum Product Pipelines license agreement. The last sentence of 201(50) is not applicable to docklines as they do not connect to “pipeline facilities” as defined in 201(60).

Other sections supporting the intent of 62-762 to regulate docklines are contained in 201(8)(a) and 201(42). Section 201(8)(a) explicitly categorizes docklines as on-site integral “bulk product piping” subject to regulation. Section 201(42) contains a number of exclusions to “integral piping”. Docklines are not identified for exclusion. If a specific area of concern exists, such as the need for

dockline piping to include secondary containment, it is recommended that the issue be addressed directly rather than through a blanket exclusion.

If the Department of Environmental Protection determines it does not have jurisdiction over docklines the Port will, in all likelihood, adopt its own regulations through the Port Tariff. The Port believes all stakeholders would be better served by a single set of consistent regulations established and overseen at the State level.

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Hopping Green & Sams

Attorneys and Counselors

September 30, 2015

By Electronic Mail

William E. Burns, Jr.
Environmental Administrator
Permitting and Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Chapter 62-762, F.A.C., (Aboveground Storage Tank (AST) Systems)
September 16, 2015 Rule Development Workshop
September 16, 2015 Workshop Draft

Dear Bill:

On behalf of the Florida Electric Power Coordinating Group, Inc. Environmental Committee (FCG) and Florida Power & Light Company (FPL), I am submitting this letter for the purpose of providing written comments following the September 16, 2015, rule development workshop in Tallahassee, Florida, in regard to draft rule amendments to Chapter 62-762, Florida Administrative Code (F.A.C.). The FCG is a not-for-profit association of twenty-eight (28) investor-owned, municipally-owned, and cooperatively-owned electric utilities engaged in the business of providing the majority of electric power to the public in the State of Florida. FPL is the largest electric utility in Florida and one of the largest rate-regulated utilities in the United States. FPL generates power from 16 power plants and delivers it by way of 69,350 miles of power lines to approximately 4.5 million customers in about half the State of Florida. FCG member electric utilities and FPL own and operate storage tank systems and undertake activities which are subject to the provisions of Chapter 62-762, F.A.C.

The FCG and FPL's joint written comments are provided below and, where appropriate, reference page and line numbers in the Florida Department of Environmental Protection's (FDEP or Department) September 16, 2015, working draft that was distributed by FDEP, via its internet website, on or around August 31, 2015. The FCG and FPL hope that to the extent FDEP agrees to incorporate these comments,

such comments are included in the next version of the AST rule draft that the agency develops.

Comments

1. Rule 62-762.201(22); page 3, lines 49-51. The FCG and FPL propose that the definition of "Docklines" be revised as provided below. The suggested revision incorporates two additional factual scenarios (paragraphs (b) and (c)) where a tank system at a bulk product facility is either double-walled or is not subject to secondary containment requirements (e.g., the tank contains high viscosity regulated substances) and, thus, does not have a dike field area or other containment.

No

(22) "Docklines" are pipelines originating at the first shore side valve after the marine transfer area, as determined by the U.S. Coast Guard Captain of the Port, and terminating at:

(a) the first valve inside the dike field area or other approved containment within a bulk product facility; or

(b) the valve or manifold adjacent to a double-walled storage tank at a bulk product facility; or

(c) the valve or manifold adjacent to a storage tank containing high viscosity regulated substances at a bulk product facility.

2. Rule 62-762.201(28); page 4, lines 32-34. As discussed during the rule development workshop, the FCG and FPL recommend that the FDEP draft revision to the definition of "free product" should be further clarified by inserting the phrase "regulated substance" after the word "liquid" on line 32.

Changed

3. Rule 62-762.201(29); page 4, lines 40-42. The FCG and FPL note that the Department is reinserting the term "regulated substance" in lieu of the term "pollutant" here and elsewhere in the rule chapter. The FCG and FPL have no concerns with this revision but note that the term "high viscosity product" is used in other locations in the draft rule. See, for example, page 21, line 39. For consistency, the FCG and FPL suggest that the term "high viscosity regulated substance" be used throughout the rule chapter.

changed to
h/v
products

4. Rule 62-762.201(39); page 5, line 55 through page 6, line 11. Consistent with the prior comment addressing the definition of "Docklines", the FCG and FPL suggest that new paragraphs (h) and (i) be added to the definition of "integral piping." Specifically, on page 6, after the end of line 11 insert the following:

added in (h) Valve or manifold adjacent to a double-walled storage tank at a bulk product facility; or
(i) Valve or manifold adjacent to a storage tank containing high viscosity regulated substances at a bulk product facility.

No 5. Rule 62-762.201(48); page 7, line 8. The FCG and FPL maintain that the defined term "new" should be deleted. As provided in prior FCG/FPL comments, use of this term is confusing. The draft grandfathering language to be included in the rule chapter and other provisions in the September 16, 2015, rule draft make the use of this term unnecessary.

? 6. Rule 62.762.211(2); page 10, line 13. During the rule development workshop, FDEP staff stated that it would not be including, in the "Reference Guidelines" rule section, existing guidance relative to implementation and application of API RP 1110 pressure testing for bulk product piping. Specifically, the guidance entitled: *Additional Requirements for Pressure Testing: Effects of Temperature Change on Pressure Testing and Maintaining Environmental Compliance*, July 2008, Arthur D. Bosshart II, TECO Energy, 702 N. Franklin Street, Tampa, Florida 33602, or at <http://tecoenergy.com/>. The Department's rationale for not including this guidance in the rule chapter is that it is seldom used. The FCG and FPL are evaluating the extent to which this guidance is used by FCG member electric utilities and FPL. Regardless of the frequency of its use, the FCG and FPL believe it should be referenced in the Department's rule rather than being the subject of an alternate procedure request on a case-by-case basis as was suggested by FDEP staff during the rule workshop.

yes 7. Rule 62-762.301(2)(p); page 13, line 19-23. The FCG and FPL propose a minor editing change to include placement of a comma after the word "process" on line 22. This further clarifies the intent of the draft revision.

no 8. Rule 62-762.411(1)(c); page 15, lines 23-24. The FCG and FPL believe it is unnecessary for duplicate notification in writing to confirm the date and time of storage tank installation activities. Written notification to the County is already required between 30 and 45 days before the installation date. The FCG and FPL maintain that this initial notification is sufficient and only if the date for installation activities needs to be modified would a second written communication be required.

- No 9. Rule 62-762.411(2)(b); page 15, lines 29-31. See preceding comment. The FCG and FPL believe that the original written notification to the County between 10 and 25 days before initiation of work related to change in service status, closure, or closure integrity evaluation is sufficient.
- yes 10. Rule 62-762.411(5); page 15, lines 49-53. For clarification of agency intent, the FCG and FPL recommend that the word "County's" be inserted before the word "next" on line 51.
- changed to unmaintained 11. Rule 62-762.431(1)(a)1.; page 16, lines 43-45. The FCG and FPL seek clarification on the meaning of FDEP's suggested term "untreated" in the context of observed pitting or corrosion which would trigger incident notification. As currently drafted, use of the term is confusing and does not adequately identify the factual scenario that FDEP believes warrants incident notification. This comment is also applicable to Rules 62-762.601(1)(e) (page 29, line 33) and 62-762.602(1)(e) (page 31, line 43).
- Done 12. Rule 62-762.431(6); page 17, lines 28-29. As discussed during the rule workshop, the FCG and FPL note a typographical error, on line 28, which can be corrected by deleting the duplicative phrase "regulated substances."
- Done 13. Rule 62-762.441(1)(a); page 17, lines 42-44. On line 44, the FCG and FPL suggest that the phrase "that exceed the applicable groundwater or surface water cleanup target levels in Chapter 62-777, F.A.C." be inserted after the phrase "Chapter 62-780, F.A.C." This revision ties discharge notification requirements to laboratory analytical results that exceed applicable groundwater or surface water cleanup target levels.
- Done 14. Rule 62-762.501(1)(b)4.; page 19, lines 28-29. The FCG and FPL recommend that the phrase "including the clay liner materials having permeability no less than 1×10^{-7} cm/sec" be amended to read "including clay liner materials having permeability less than or equal to 1×10^{-7} cm/sec." The same change is suggested for Rule 62-762.502(1)(b)4., on page 25, lines 14-15.
- Done 15. Rule 62-762.501(1)(h); page 20, lines 28-29. The FCG and FPL maintain that not all provisions of NFPA 30 pertaining to storage tank systems at fuel dispensing facilities and repair garages are applicable to storage tank systems at industrial facilities like electric power plants. Accordingly, it is suggested that the phrase "applicable provisions of" be inserted before the term "NFPA" on line 28. A similar change should be made to Rule 62-762.502(1)(h) on page 26, line 16.

No 16. Rule 62-762.501(3); page 23, line 7. The FCG and FPL suggest that the title of
use subsection (3) be revised to read "Small diameter integral piping in contact with
both soil."

Question Petrovich

17. Rule 62-762.501(3)(d)4.; page 24, lines 28-31. Draft rule language regarding the need to add certain types of valves for storage tank systems and integral piping that produce a gravity head on the dispenser or on small diameter piping needs to be revised to recognize the use of such valves in industrial and other applications. Significant agency consideration should be given to whether such valves should be used in situations where tank systems provide fuel to emergency generators for hospitals, power plants, and other important infrastructure, and related services. FCG members and FPL have had experiences where emergency generators have not functioned due to an open valve. Similar issues might arise with installation of these types of valves. Finally, FCG member and FPL systems are located in areas where the likelihood of any pipe breaks from impacts from vehicles or other industrial equipment is extremely low.

No, it has req
for both

18. Rule 62-762.502(3); page 28, lines 18-19. The FCG and FPL recommend that the phrase "in contact with soil" be inserted after the word "piping" on line 18. This suggested revision clarifies agency intent.

Done

19. Rule 62-762.602(6)(a); page 33, lines 24-28. The FCG and FPL note that the use of a API RP 1110 pressure test for bulk product and hydrant piping is limited to piping segments of 10,000 gallons capacity or less. The FCG and FPL maintain that this limitation is unnecessary and should be removed from this draft rule provision.

Done

20. Rule 62-762.701(3); page 35, line 35. The FCG and FPL believe that this subsection should be clarified to reflect that these requirements only apply if vapor corrosion inhibitors are voluntarily implemented by an owner/operator. As currently drafted, the rule provision could be construed to require use of these systems in all instances.

OK

21. Rule 62-762.702(6); page 39, lines 31-37. The FCG and FPL strongly maintain that single-walled bulk product and hydrant piping systems in contact with soil that contain high viscosity regulated substances should not be required to undergo evaluation in accordance with API 570. One commenter at the recent rule workshop suggested that this exclusion be removed. The FCG and FPL disagree. By their nature, high viscosity regulated substances are immobile and easily addressed should there be a release or discharge of such material.

Done

22. Rule 62-762.711(3)(j); page 40, lines 28-32. The FCG and FPL suggest that the last sentence of this paragraph be revised to read: "Records demonstrating financial responsibility for storage tank systems through other permitted methods shall be maintained for the duration of the effective period of that financial responsibility method." This proposed revision clarifies agency intent.

Done

23. Rule 62-762.851(2); page 46, lines 50 through page 47, line 54. Paragraph (a) states in pertinent part that: "[o]wners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods...have been registered with the Department." Paragraph (h) goes on to provide that: "[t]he storage tank system equipment and release detection systems and methods registered with the Department under this subsection must be renewed every five years." The FCG and FPL want to know whether this is a requirement for the equipment manufacturer or the storage tank system owner/operator. The FCG and FPL firmly maintain that this responsibility should not lie with the storage tank owner/operator. Even if the requirement to renew is the responsibility of the manufacturer, how do owners/operators know if this renewal action has occurred? The FCG and FPL suggest the Department further revise this rule subsection to address these points.

The FCG and FPL very much appreciate the consideration that FDEP gives their comments and comments of the regulated community. After you have reviewed these comments, should you have any questions, please do not hesitate to contact me at (850) 425-2254.

Bill Burns
September 30, 2015
Page 7 of 7

Sincerely,

Hopping Green & Sams

By:  _____

Michael P. Petrovich

Attorneys for the Florida Electric Power
Coordinating Group, Inc. Environmental
Committee

and

Florida Power & Light Company

cc: Betsy Hewitt, Esq., FDEP
FCG Solid Waste Subcommittee
Mark Jones, Florida Power & Light Company
Eric Hamilton, Florida Petroleum Council
Marshall Mott-Smith, Mott-Smith Consulting Group



September 30, 2015

Mr. Bill Burns
Environmental Administrator
Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Via E-Mail: bill.burns@dep.state.fl.us

Re: Chapter 62-762, F.A.C.
Aboveground Storage Tanks
September 16, 2015 Rulemaking Workshop Draft

Dear Bill:

Thank you again for your efforts throughout the Technical Advisory Group meeting and rulemaking process. I have a few thoughts about the Draft Rule that are based on personal observations and experience and are not necessarily submitted on behalf of a particular client.

62-762.851 Alternative Procedures and Equipment Registration

Done

In subsection (2)(i), is the phrase “or if the equipment does not perform in field operation as certified in the third party certification by a Nationally Recognized Testing Laboratory” sufficient to address circumstances where the Department has obtained data, either through its own inspections or otherwise, or from facility owners or operators, demonstrating that the equipment has failed to perform? Further, I suggest language be added on line 54 after “laboratory,” as follows: or the Department determines that equipment is not constructed in accordance with the approved design or applicable Reference Guidelines.

62-761.801 and 62-761.802 Out-of-Service Requirements

I would not think that temporarily having an empty tank but not designating it out of service would have implications under an insurance policy (although I could envision policy language that could be problematic). However, I wonder whether using a tank for

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^o ALSO ADMITTED IN GA

A MEMBER OF
 THE HARMONIE GROUP

Bill Burns
September 30, 2015
Page 2

non-regulated substances would have policy implications. I would suggest a reminder that the owner or operator review its policy to make sure that any such changes in storage do not affect coverage (and perhaps also recognize that policies may not cover discharges of non-regulated substances).

Instructions for Conducting a Site Check During Aboveground Storage Tank Closure

Not chging Please note that the term "site check" is often used in insurance policies as a means by which the insured may "confirm" a release. The term is found in 40 CFR 280.52, which involves investigation of sites with suspected releases to determine whether a release has occurred. What we would think of as a Closure Assessment has its counterpart in 40 CFR 280.71 and 280.72. The language is essentially the same ("measure for the presence of a release where contamination is most likely to be present..."), but in the closure regulations, the term "site check" is not used, and "assessment" is used instead. My concern is that by the Department calling the closure assessment a "site check" in the Instructions, insurance companies may argue that, in a non-closure investigation of a suspected discharge, that if the insured does not follow the Instructions, there has not been a valid "site check." Therefore, the better terminology might be to use the word "assessment," or to incorporate the concept of integrity evaluation of the system, the more generic term "evaluation," in connection with a closure and to reserve "site check" for the non-closure investigation as per the federal regulation.

Thank you again for your hard work and assistance in this matter. Please contact me if you have any questions or if I can help in any way.

Sincerely,



Robert D. Fingar

cc: Kimberley Curran kimberley.curran@dep.state.fl.us

CHAPTER 62-762

ABOVEGROUND STORAGE TANK SYSTEMS

- 62-762.101 Intent
- 62-762.201 Definitions
- 62-762.211 Reference Guidelines ~~Standards~~
- 62-762.301 Applicability
- 62-762.401 Facility Registration and Financial Responsibility
- 62-762.411 Notification
- 62-762.421 Financial Responsibility
- 62-762.431 Incidents
- 62-762.441 Discharges
- 62-762.451 Notification and Reporting
- 62-762.501 Storage Tank System Requirements for Shop Fabricated ~~Performance Standards for Category C~~
- Storage Tanks ~~Systems~~
- 62-762.502 Storage Tank System Requirements for Field Erected Storage Tanks
- 62-762.511 ~~Performance Standards for Category A and Category B Storage Tank Systems~~
- 62-762.601 Release Detection Requirements for Shop Fabricated Storage Tanks ~~Standards~~
- 62-762.602 Release Detection Requirements for Field Erected Storage Tanks
- 62-762.611 ~~Release Detection Methods~~
- 62-762.641 ~~Performance Standards for Release Detection Methods~~
- 62-762.701 Repairs, Operation and Maintenance of Shop Fabricated Storage Tanks ~~Systems~~
- 62-762.702 Repairs, Operation and Maintenance of Field Erected Storage Tanks
- 62-762.711 Recordkeeping
- 62-762.801 Out-of-Service and Closure Requirements for Shop Fabricated Storage Tanks
- 62-762.802 Out-of-Service and Closure Requirements for Field Erected Storage Tanks
- 62-762.821 ~~Incident and Discharge Response~~
- 62-762.851 Alternative Procedures ~~Requirements~~ and Equipment Registration ~~Approvals~~
- 62-762.891 Mineral Acid Storage Tank Requirements

62-762.101 Intent.

(1) ~~Except for aboveground mineral acid storage tank systems, the purpose of this Chapter is to provide requirements standards for the registration, construction, installation, operation, maintenance, repair, closure, and disposal of aboveground storage tank systems that store regulated substances, and in order to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for aboveground storage tank systems having individual storage tank capacities greater than 550 gallons.~~

(2) For mineral acid storage tank systems, the purpose of this Chapter is to minimize the occurrence and environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid. Mineral acid storage tank systems are only subject to Rule 62-762.891, Florida Administrative Code (F.A.C.).

(3) ~~For compression vessels and aboveground hazardous substance storage tank systems with individual capacities greater than 110 gallons, the purpose of this Chapter is to establish a registration program for compression vessels and aboveground hazardous substance storage tank systems with individual capacities greater than 110 gallons. These systems are only subject to Rule subsections 62-762.401(1)-(2), F.A.C.~~

(4) This Chapter implements the requirements of Chapter 376, Florida Statutes (F.S.). Final agency action related to the functions that may be carried out by a locally administered program (County) under contract with the Department pursuant to Section 376.3073, F.S., shall be taken by the Department.

(5) Site access to the facility, subject to safety considerations, shall be provided for compliance inspections conducted at reasonable times and with notice by phone or email. The facility owner or operator shall provide an authorized facility representative to safely access storage tank system components for inspection purposes and demonstrate operational functionality of electronic equipment.

TransMontaigne Response: No objection

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.3073, 376.322(3) FS. History–New 6-21-04, Amended

62-762.201 Definitions.

All words and phrases defined in Sections 376.031, 376.301 and 376.79, F.S., shall have the same meaning when used in this Chapter unless specifically stated otherwise in this Chapter. See Sections 376.031, 376.301 and 376.79, F.S., for definitions of the following terms: "Bulk product facility," "Compression vessel," "Contaminant (contamination shall mean the same as contaminant)," "Contaminated site," "Department," "Discharge," "Facility," "Flow-through process tank," "Hazardous substances," "Operator," "Owner," "Petroleum product," "Pollutants," "Transfer" or "Transferred," and "Vessel." The following words, and phrases ~~or terms~~ used in this Chapter shall, unless the context indicates otherwise, ~~shall~~ have the following meaning:

(1) ~~"Airport or seaport hydrant piping" means the pressurized integral piping system, including hydrant pits, associated with petroleum storage tank systems serving airports, seaports, or military bases.~~

(2) "Ammonia" includes organic amines and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, release free ammonia (NH₃), or ammonium ion (NH₄⁺).

~~(2)(3) "AST" means an aboveground storage tank.~~

~~(4) "AST Category A system" means a system that was installed on or before March 12, 1991.~~

~~(5) "AST Category B system" means a system that was installed after March 12, 1991, and before July 13, 1998.~~

~~(6) "AST Category C system" means a system that was installed on or after July 13, 1998. ASTs that are removed and relocated after July 13, 1998 are considered Category C systems.~~

(3) "Biofuel" means fuel produced from renewable resources, especially, but not limited to, organic feedstocks such as plant biomass, vegetable oils, animal fats and treated municipal and industrial wastes.

~~(7) "Bulk product facility" means a waterfront location with at least one aboveground tank with a capacity greater than 30,000 gallons that is used for the storage of pollutants.~~

~~(4)(8) "Bulk product piping" means on-site integral piping with an internal diameter greater than three inches that:~~

~~(a) Originates at the first stationary or landward valve from a vessel loading or unloading area, and that delivers regulated substances up to and including the first valve within the dike field area of a bulk product facility; or~~

~~(b) Is utilized for transporting regulated substances.~~

~~(5)(9) "Cathodic protection" means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.~~

~~(6)(10) "Cathodic Protection Tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems and be certified as a NACE or STI cathodic protection tester.~~

~~(7)(11) "Chlorine" includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) or chlorides (Cl⁻).~~

~~(8) "Closure Integrity Evaluation for shop fabricated storage tank systems" is an assessment of shop fabricated storage tank system integrity for storage tanks, integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled piping sump, dispenser sump, or spill containment system.~~

~~(9) "Closure Integrity Evaluation for field erected storage tank systems" is an assessment of field erected storage tank system integrity for storage tanks, integral piping, hydrant sumps, and **spill** containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled hydrant sump or **spill** containment system.~~

TransMontaigne request: remove "spill" because field erected tanks usually don't have spill containment except for truck-filled tanks. Keeping in containment would be less confusing and include any "spill containment"

~~(10) "Closure Integrity Report" means Closure Integrity Evaluation Report Form 62-761.900(7).~~

~~(11) "Closure Report" is a report prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.~~

(12) “Compatible” means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the storage tank system under conditions likely to be encountered in the storage tank system.

(13) “Compression vessel” means any stationary aboveground container, tank, or on-site integral piping system, or combination thereof, that has a capacity of greater than 110 gallons and that is primarily used to store pollutants or hazardous substances above atmospheric pressure or at a reduced temperature in order to lower the vapor pressure of the contents. Manifold compression vessels that function as a single vessel shall be considered as one vessel.

(13) “Containment” means a sufficiently impervious structure, **release prevention barrier**, or device designed to prevent the discharge of regulated substances in the event of a release.

TransMontaigne request: insert release prevention barrier to be consistent with API 650 and 653 terminology.

(14) “Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities that result in exceedances of applicable cleanup target levels in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, 62-520, or 62-550, F.A.C.

(14)(15) “Corrosion professional” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as either a Corrosion Specialist or a Cathodic Protection Specialist, or be a professional engineer licensed ~~registered~~ in the State of Florida. Corrosion professionals using vapor corrosion inhibitor technologies for corrosion control must have experience with and knowledge of vapor corrosion inhibitors. Vapor corrosion inhibitors must be registered in accordance with Rule 62-762.851(2), F.A.C. Installers of vapor corrosion inhibitors must have certification from the VCI equipment registration holder.

(15) “Corrosion Protection” means the minimization of corrosion by the use of cathodic protection or vapor corrosion inhibitors.

(16) “County” means a locally administered governmental program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

(17) “Cut and cover tank” means a tank that is constructed with steel or reinforced concrete that is surrounded by soil above the natural surface of the ground.

(17) “Day tank” means a shop fabricated storage tank with a capacity of less than or equal to 550 gallons, connected to a regulated tank by way of integral piping, that contains the amount of fuel commonly used in a 24-hour period.

TransMontaigne Response: Support definition and subsequent exemption from regulation.

(18) “Dike field area” means the area around the tank or tanks that extends from the circumference of the base of ~~an~~ a storage tank-AST to the top of the berm, dike, or retaining wall surrounding the tank.

(19) “Discharge” includes, but is not limited to, any ~~spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.~~

(20) “Discovery” means:

(a) ~~either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of~~ an previously unreported incident, release, or discharge, or an unmaintained storage tank system, or

(b) ~~Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(7), F.A.C.~~

(20)(21) “Dispenser” means a dispensing system that is used to transfer regulated substances ~~vehicular fuel~~ from a fixed point to a vehicle or portable container.

(22) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(21) “Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(23) “Dispensing system” or “Dispenser” means equipment that is used to transfer pollutants regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.

(22) “Docklines” are pipelines originating at the first shore side valve after the marine transfer area, as determined by the U.S. Coast Guard Captain of the Port, and terminating at the first valve inside the dike field area or other approved containment within a bulk product facility.

TransMontaigne Response: Support definition

(23)(24) “Double-bottomed” means ~~aan storage tank~~ AST that has secondary containment in the form of an outer tank bottom having ~~an a-closed~~ interstitial space between the primary tank bottom and the secondary outer tank bottom.

(24)(25) “Double-walled” means a storage tank system or system component that has an outer ~~tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.~~

(25) “DRF” means Discharge Report Form 62-761.900(1).

(26) “Empty” means all regulated substances have been removed so that no more than one inch in depth or 0.3 percent by weight of total system capacity of regulated substances remains in the storage tank system.

(27) “Existing contamination” means:

(a) ~~The presence of free product or sheen on the groundwater;~~

(b) ~~The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:~~

1. ~~500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or~~

2. ~~50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;~~

(c) ~~Results of analytical tests on a groundwater sample that:~~

1. ~~Exceed the cleanup target levels for petroleum products’ chemicals of concern specified in Table V of Chapter 62-770, F.A.C.; or~~

2. ~~Indicate the presence of a hazardous substance that is not described in subparagraph (c)1. above; or~~

3. ~~Indicate the presence of a regulated substance that is not described in subparagraph (c)1. above; or~~

(d) ~~After July 13, 1998, results of analytical tests on a soil sample that:~~

1. ~~Exceed the lower of direct exposure I and leachability Table V cleanup target levels for petroleum products’ chemicals of concern listed in Table IV of Chapter 62-770, F.A.C.; or~~

2. ~~Indicate the presence of a hazardous substance that is not described in subparagraph (d)1. above; or~~

3. ~~Indicate the presence of a regulated substance that is not described in subparagraph (d)1. above.~~

(28) “Facility” means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 550 gallons for AST systems.

(27)(29) “Field erected storage tank” means a storage tank ~~an AST~~ that is constructed by assembling it on-site at the facility.

(30) “Flow through process tank” is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include tanks associated with vapor recovery units and oil-water separators. Flow-through process tanks do not include storage tanks used for the storage of regulated substances before their introduction into the production process or for the storage of finished products or by-products from the production process.

(28)(31) “Free product” means the presence of nonaqueous phase liquid in the environment ~~a regulated substance~~ in excess of 0.01 foot in thickness, measured at its thickest point; ~~floating on water, surface water or groundwater.~~

(32) “Hazardous substances” means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(33) “Heating oil” means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.

(29)(34) “High viscosity” means a regulated substance ~~pollutant~~ with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade, such as American Society for Testing and Materials (ASTM) grades 5 and 6 residual oils, intermediate fuel oils, or Bunker C fuel.

(30) “Hydrant piping” means a continuously pressurized integral bulk product piping system with hydrant pits used for distributing product.

(31) “Hydrant Sumps” or “Hydrant Pits” means any secondary containment system associated with hydrant piping, including hydrant pits, isolation valve pits, valve access pits, and control pits but excludes double-walled piping.

~~(35)~~ “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed loop mechanical system used to operate lifts, elevators, and other similar devices.

~~(32)(36)~~ “Hydrostatic test” means a containment integrity test for a storage tank system or storage tank system component that is performed in accordance with this Chapter using equilibrium and the pressure of liquids to test the integrity of the tank or system component.

~~(33)(37)~~ “Impervious” means:

(a) A synthetic material or another material registered ~~approved~~ in accordance with subsection 62-762.851(2), F.A.C., that is compatible with the stored regulated substance, and has a permeability rate to the regulated substance stored of 1×10^{-7} cm/sec or less; or

(b) For concrete structures, a material that:

1. Meets the design and construction standards of Design Considerations for Environmental Engineering Concrete Structures, ACI 350.4R-04, 2004 Edition and Control of Cracking in Concrete Structures, ACI 224R-01, (Reapproved 2008), hereby adopted and incorporated by reference. To obtain this reference see paragraph 62-761.211(2)(a), F.A.C., ~~ACI 350R-89 and ACI 224R-89~~; or

2. Is applied to the concrete in accordance with Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997, hereby adopted and incorporated by reference, and available at the addresses given. To obtain this reference see paragraph 62-761.211(2)(k), F.A.C., NACE International Standard RP0892-92.

~~(34)(38)~~ “In contact with the soil” means any portion of a storage tank system, that physically touches the soil or if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious integral piping connected to ASTs or any portion of a tank, that:

~~(a) Physically touches the soil; or~~

~~(b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.~~

~~(c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.~~

~~(35)(39)~~ “Incident” is a condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component.

~~(36)(40)~~ “Industrial occupancy building” is an enclosed structure that contains a storage tank AST system that is used in association with an industrial or manufacturing process, or for electric power generating utilities, provided that the building was constructed and is used primarily for industrial, manufacturing, or electric power generating purposes, and not solely for the purpose of storing regulated substances. An industrial occupancy building is a structure that has an impervious floor (without valves, drains, or other openings) that would prevent permit regulated substances from being pollutants to be discharged. Industrial occupancy buildings constructed between July 13, 1998, and (effective date of the rule) must meet the applicable regulatory requirements in effect at that time. Industrial occupancy buildings constructed after (effective date of the rule) July 13, 1998, must:

(a) Be constructed in accordance with Flammable and Combustible Liquids Code, Storage Tank Buildings, NFPA 30, Chapter 24, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, hereby adopted and incorporated by reference and available from the address given NFPA 30, Section 2-5, Installation of Tanks Inside of Buildings, and Section 5-3, Facility Design;

(b) Have at least Type II construction in accordance with Standard on Types of Building Construction, NFPA 220, Chapter 4, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, hereby adopted and incorporated by reference and available from the address given NFPA 220, Chapter 3;

(c) Be ventilated in accordance with Guide for Venting of Deflagrations, NFPA 68, 2002 Edition; and Standard on Explosion Prevention Systems, NFPA 69, 2008 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, hereby adopted and incorporated by reference and available at the address given NFPA 68 and 69; and

(d) Be verified as meeting the above construction requirements by either a registered architect or a professional engineer licensed ~~registered~~ in the State of Florida

~~(37)~~ “INF” means Incident Notification Form 62-761.900(6).

~~(38)(41)~~ “In-service” means a storage tank system where the owner or operator has not reported to the Department pursuant to paragraph 62-762.401(2)(a), F.A.C., that the tank is out-of-service pursuant to subsection 62-762.801(1), or 62-762.802(2), F.A.C., or temporary out-of-service pursuant to subsection 62-762.802(1), F.A.C. that is being actively maintained and operated in accordance with this chapter. Non compliance with any specific rule within this chapter does not exclude the system from being considered “in service.” Subject to the above, a

storage tank system is also considered to be in service if it:

- (a) ~~Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;~~
- (b) ~~Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or~~
- (c) ~~Contains non regulated substances and is still maintained in an in service status at the request of the owner or operator.~~

TransMontaigne Response: Support retention of temporary out-of-service concept.

~~(39)(42) “Integral piping” means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Vapor recovery lines, pipeline facilities, and vent lines are not considered integral piping. Integral piping is not considered on site if the piping crosses state boundaries, or two or more county boundaries. Integral piping includes all valves, elbows, joints, flanges, pumps, and flexible connectors, associated with the pipe originating at the storage tank up to the:~~

- ~~(a) Union of the integral piping with the dispenser dispensing system;~~
- ~~(b) Fill cap or fill valve;~~
- ~~(c) Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; or~~
- ~~(d) First flange or connection within the loading rack containment area;~~
- ~~(e) First valve inside the dike field area or the containment at bulk product facilities;~~
- ~~(f) Marine transfer area if the bulk product facility is under the same ownership as the marine transfer area; or~~
- ~~(g) First shoreside valve after the marine transfer area for on-site piping at bulk product facilities.~~

TransMontaigne Response: Support definition revision

~~(40) “Integrity test” means a determination of the liquid tightness of a storage tank system component using one of the following types of tests:~~

- ~~(a) “Interstitial integrity test” means an evaluation of a storage tank system component with an interstitial space using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by a Nationally Recognized Testing Laboratory;~~
- ~~(b) “Primary integrity test” means an evaluation of the liquid tightness of the primary tank or integral piping;~~
- ~~or~~
- ~~(c) “Containment integrity test” means an evaluation of the liquid tightness of hydrant pits, isolation valve pits, and other containment systems.~~

~~(41) “Interstice” means the space between the primary and secondary wall of a storage tank system or system component.~~

~~(43) “Internal lining” means a material that is applied internally on AST bottoms or USTs to protect the tank from internal corrosion.~~

~~(42)(44) “Interstitial monitoring” is a method of release detection in which the area between the primary and secondary wall of a storage tank or storage tank system component is monitored for signs of release. detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:~~

- ~~(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or~~
- ~~(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.~~

~~(43) “Limited Closure Report” means Limited Closure Report Form 62-761.900(8).~~

~~(44)(45) “Liner” means an impervious material that meets the performance requirements standards of subparagraph 62-762.501(1)(b)2., or 62-762.502(1)(b)2. paragraph 62-762.501(1)(e), F.A.C., that is used externally as a method of secondary containment.~~

~~(46) “Liquid trap” means sumps, well cellars, and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants) to collect oil, water, and other liquids. Liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.~~

~~(45)(47) “Maintenance” means the normal operational upkeep in accordance with Rules 62-762.701, and 62-762.702, F.A.C., to prevent a storage tank system or system component from releasing or discharging regulated substances.~~

~~(46)(48) “Mobile tank” is a shop fabricated storage tank that is:~~

- ~~(a) An AST that is Mmoved to a different location at least once every 180 days; and~~

DRAFT

1. Has a current valid vehicle registration with the Florida Department of Highway Safety and Motor Vehicles and has current test and inspection markings in accordance with 49 C.F.R. 180.415; or

2. Is designed and constructed to be moved to other service locations, and its relocation within a facility or from site to site is inherent in its use; ~~or~~

~~(b)3-~~ ~~Is used~~ for on-site construction activities, provided that the construction activities do not exceed 12 months, or the life of the construction project as long as construction is continuous, and the tanks are removed from the site when the construction is complete; ~~and~~

~~(c)(b)~~ Not considered mobile if it is connected to stationary underground or aboveground integral piping, unless associated with the production of an agricultural commodity, provided that the tank is moved to a different location at least once every 180 days; ~~or~~

TransMontaigne Response: Support definition revision

~~(47)(49)~~ “Nationally Recognized Testing Laboratory” means an international or national organization or governmental entity that can perform quantitative and qualitative tests on storage tank system equipment, evaluate the test data and equipment performance, and make determinations of the equipment’s capability of meeting the technical requirements standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. ~~Nationally Recognized Laboratories include organizations such as Underwriter’s Laboratories, Carnegie Mellon Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.~~

~~(48)~~ “New” means a storage tank system or system component installed after (effective date of the rule).

~~(49)(50)~~ “On-site” means on the same or geographically contiguous property as the facility regulated under this Chapter; that is under the same ownership or control; The facility and which may be divided by a public or private right-of-way or an easement. ~~Piping connecting ASTs with pipeline facilities are considered on site up to the point where it crosses through the dike wall surrounding the AST.~~

~~(50)~~ “Operability test” means a test performed to determine if electronic and mechanical release detection and overfill protection devices or systems are functioning as designed and in accordance with manufacturer’s specifications.

~~(51)~~ “Operational life” refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-762.801(3), F.A.C.

~~(52)~~ “Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.

~~(51)(53)~~ “Out-of-service” means a storage tank system or system component that is designated as out-of-service by the owner or operator to the Department on Form 62-761.900(2), F.A.C.

~~that:~~

~~(a)~~ Is designated as an out of service system by owner or operator notification to the Department on Form 62-761.900(2);

~~(b)~~ Is empty as defined in subsection 62-762.201(26), F.A.C.; and

~~(c)~~ Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-762.801(2), F.A.C., for a maximum time of:

~~1.~~ Two years of being taken out of service for USTs; or

~~2.~~ Five years of being taken out of service for ASTs; or

~~3.~~ Ten years of being taken out of service for storage tank systems with secondary containment.

~~(52)(54)~~ “Overfill” is an incident a release or discharge that occurs when a tank is filled beyond its capacity.

~~(53)~~ “Overfill protection” is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

~~(55)~~ “Owner” means any person as defined in Section 376.301(23), F.S., owning a facility.

~~(54)(56)~~ “Pesticides” mean any substance or mixture of substances, as defined in 487.201, F.S., intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the Department of Agriculture and Consumer Services by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term "pesticide" does not include any article that:

~~(a)~~ Is a "new animal drug" within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

~~(b)~~ Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection. ~~means all preparations, products, and substances included in the Department of Agriculture and Consumer Services' Rule 5E-2.002, F.A.C.~~

(57) "Petroleum" includes:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph (a).

(58) "Petroleum product" means any liquid fuel commodity made from petroleum.

(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:

1. Diesel fuel;

2. Kerosene;

3. Gasoline; and

4. Fuels containing mixtures of gasoline and other products.

(b) Forms of fuel excluded from this definition are:

1. Liquefied petroleum gas;

2. American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;

3. Bunker C residual oils;

4. Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;

5. Asphalt oils; and

6. Petrochemical feedstocks.

(55)(59) "Pipe" or "piping" means any hollow cylindrical or tubular conveyance through which regulated substances flow.

(56)(60) "Pipeline facilities" are pipe systems, rights-of-way and any associated equipment, gathering lines, buildings, or break-out tanks necessary for the long range transportation of regulated substances. Pipeline facilities and associated equipment are regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations.

(57)(61) "Piping sump" ~~or "Submersible turbine pump sump"~~ means a storage tank system component liner installed as secondary containment or a monitoring port at the ~~top of a tank or at the lowest point in the integral~~ piping to detect releases.

(62) "Pollutants" includes any "product" as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, ~~excluding liquefied petroleum gas.~~

(58)(63) "Pressure test" means a test to determine the integrity of the primary integral piping performed in accordance with Rules 62-762.601, and 62-762.602-62-762.641(3)(e)1, F.A.C.

(59)(64) "Pressurized piping" means piping through which regulated substances are pumped under continuous pressure flow due to a pump that is not located at the dispensing system.

TransMontaigne Response: Support definition revision

(60)(65) "Product" as defined in Section 377.19(11), F.S., means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, used oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

(61) "Registration form" means Storage Tank Facility Registration Form 62-761.900(2).

(62)(66) "Regulated substance" means a liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), that is a pollutant when stored in a storage tank or AST.

(63)(67) "Release" means:

(a) ~~A discharge; or~~

(b) ~~a~~ A loss of regulated substances from a storage tank system into the system's secondary containment.

(64)(68) "Release detection" means a method of:

(a) ~~Determining whether a discharge of regulated substances has occurred; or~~

(b) ~~d~~ Detecting the presence of regulated substances within a storage tank system's secondary containment or detecting other conditions or situations indicative of a release or discharge.

(69) "Release detection response level" is the point of measurement, calculation, observation, or level that is

established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.

(65)(70) "Repair" means to restore or replace any defective or damaged parts of a storage tank system or system component in accordance with subsections 62-762.701(1), and 62-762.702(1), F.A.C., as applicable. Replacement of a non-defective part is not a repair.

TransMontaigne Response: Support definition revision

(66)(74) "Residential storage tank system" means a storage tank system that provides fuel for heating, air conditioning or electricity to a residential structure. That structure is a non-commercial building utilized exclusively as a dwelling unit that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.

(67)(72) "Secondary containment" means a release detection and discharge prevention system that meets the performance requirements standards of paragraphs 62-762.501(1)(b) 62-762.501(1)(e), and 62-762.502(1)(b), F.A.C., as applicable, and includes dispenser sumps liners, piping sumps, spill containment systems, the outer wall of double-walled tanks and integral piping systems, or single-walled tanks or piping systems that are contained within a or the liner or an impervious containment area for single-walled tanks or integral piping. A Release Prevention Barrier, as specified in API Standard 650, Appendix I, is considered secondary containment for field erected aboveground storage tank bottoms. Removed clay liner

(68)(73) "Sheen" means a regulated substance less than or equal to 0.01 foot in thickness, measured at its thickest point, or visibly observed, floating on surface water, groundwater, or within secondary containment.

(69)(74) "Shop-fabricated storage tank" means a storage tank an AST that is constructed at the tank manufacturer's plant and transported to the facility for installation.

(75) "Significant loss or gain" means the sum of losses and gains of a regulated substance over a 30 day or monthly period that exceeds:

(a) For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or
2. One percent of the total weekly output; or
3. Fifty gallons, whichever is greatest.

(b) For tanks with capacities between 2,001 and 29,999 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or
2. One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.

(c) For tanks with capacities of 30,000 gallons or greater:

1. One percent of the tank capacity; or
2. One half of one percent of the amount of product dispensed during the previous 30 days, whichever is greater.

(70)(76) "Small diameter piping" means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.

(71) "Spill containment system" means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.

(72)(77) "Storage tank system" means a tank used to contain regulated substances, and all its components, including its integral piping, and all its components, including dispensers dispensing systems, spill containment systems devices, overfill protection systems devices, secondary containment systems, and any associated release detection equipment. A storage tank system is a "storage system" as defined in Chapter 376.301, F.S.

(73) "Storage tank system component" or "system component" means any part (mechanical, electrical, and plumbing) of the storage tank system that is necessary for a tank system to operate properly and safely. This includes tanks, integral piping, sensors, sumps, pumps, including dispensers, spill containment systems, overfill protection systems, secondary containment systems, and any associated release detection equipment.

(74)(78) "Suction piping" means piping through which regulated substances flow by suction due to a pump located at the dispenser or other endpoint of the piping dispensing system.

(75)(79) "Tank" means an enclosed stationary container or structure that is designed or used to store regulated substances, and the volume of which, including the volume of underground piping, is less than ten percent buried beneath the surface of the ground. For purposes of this chapter, cut and cover tanks are considered aboveground storage tanks.

(76)(80) “Temporary out-of-service” means a field-erected storage tank system that is designated as temporary out-of-service by the owner or operator to the Department on Form 62-761.900(2), F.A.C., is a designation of a service status for a field erected storage tank system that is emptied solely for the purpose of cleaning, routine maintenance, or change of product for a time period exceeding thirty days, but less than six months.

TransMontaigne Response: Support definition revision

(81) “UST” means an underground storage tank.

(82) “Unmaintained” means:

(a) A storage tank system that was not closed in accordance with Department rules; or

(b) An out of service storage tank system that is not returned to in service status within:

1. Five years of its being out of service for ASTs; or

2. Ten years of its being out of service for storage tank systems with secondary containment.

(83) “Upgrade” means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single wall corrosion resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.

(77) “Vapor Corrosion Inhibitor” (VCI) means a chemical substance that volatilizes from a liquid or solid that is designed to inhibit corrosion within an enclosed airspace.

(84) “Vehicular fuel” means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 6-21-04, Amended _____.

Substantial rewording of Rule 62-762.211, F.A.C., follows. See Florida Administrative Code for present text.

62-762.211 Reference ~~Guidelines~~Standards. Pending – Requesting Industry to review for new standards

(1) Reference guidelines listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., are available for inspection during business hours at the Department of Environmental Protection’s Tallahassee Office located at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be found in the document titled Appendix A – Chapter 62-762, F.A.C., Secondary References located here: www.flrules.org/Gateway/reference.asp?No=Ref-00###. All other secondary references can be obtained through the following reference guidelines.

(2) Titles of documents. References to documents listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., below are made throughout this Chapter. Each document or part thereof is adopted and incorporated by reference only to the extent that it is specifically referenced in this Chapter. To the extent that the provisions contained in the following reference guidelines conflict with this Chapter, the Department’s requirements as stated in this Chapter shall control.

(a) American Concrete Institute (ACI), 38800 Country Club Dr., Farmington Hills, MI 48331-3439, or at: <http://www.concrete.org/>:

1. Control of Cracking in Concrete Structures, ACI 224R-01, (Reapproved 2008); and

2. Design Considerations for Environmental Engineering Concrete Structures, ACI 350.4R-04, 2004 Edition.

(b) American Petroleum Institute (API), 1220 L Street, N.W. Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>:

1. Specification for Fiberglass Reinforced Plastic Tanks, API Spec 12P, 3rd Edition, October 2008;

2. Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems, API 570, 3rd Edition, November 2009;

3. Design and Construction of Large, Welded, Low-Pressure Storage Tanks, API Std 620, 12th Edition, October 2013;

4. Welded Tanks for Oil Storage, API Std 650, 12th Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), March 2013;

5. Cathodic Protection of Aboveground Petroleum Storage Tanks, API RP 651, 4th Edition, September 2014;

Newer version – Can’t find newer version

6. Tank Inspection, Repair, Alteration, and Reconstruction, API Std 653, 5th Edition, November 2014;

7. Welding of Pipelines and Related Facilities, API Std 1104, 21st Edition, Includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and Addendum 1 (2014), September 2013;

8. Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide, API RP 1110, 6th Edition February 2013;

Newer version – Can't find newer version

9. Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API RP 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002);

10. Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API RP 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012). Secondary reference to this guideline can be found in Appendix A(2)(?); and

11. Overfill Protection for Storage Tanks in Petroleum Facilities, API RP 2350, 4th Edition, May 2012.

(c) ASME International (founded as the American Society of Mechanical Engineers), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, Published by ASME, (800) 843-2763, or available at www.asme.org/:

1. Process Piping, B31.3-2012, 2012 Edition; and

2. Pipeline Transportation Systems for Liquids and Slurries, B31.4 – 2012 Edition.

(d) Energy Institute. A copy of the following document is available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at Energy Institute, 62 New Cavendish Street, London W1G 7AR, UK, +44 (0) 20 7467 7100, or the publisher's website at <https://www.energyinst.org/home>: Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment, EI 1542, 9th Edition, July 2012.

(e) Florida Department of Environmental Protection (DEP). A copy of the following document is available at the Department located at 2600 Blair Stone Road, Tallahassee, Florida 32399, (850) 245-8705, or at the following website location: www.flrules.org/Gateway/reference.asp?No=Ref-00###: Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition.

(f) Geosynthetic Institute, 475 Kedron Avenue, Folsom, PA 19033-1208 (610) 522-8440 or at <http://www.geosynthetic-institute.org/>. Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes, GSI Test Method GM13, Rev. 12, November 2014, Geosynthetic Institute, Published by Geosynthetic Institute, 475 Kedron Avenue, Folsom, PA 19033-1208 (610) 522-8440.

(g) NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, (800) 797-6223, or at <http://www.nace.org/>:

1. Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition;

2. External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms, RP0193-2001, 2001 Edition;

3. External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, SP0285-2011, 2011 Edition; and

4. Coatings and Linings over Concrete for Chemical Immersion and Containment Service, SP0892-2007 (formerly RP0892), 2007 Edition;

(h) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/:

1. Flammable and Combustible Liquids Code, NFPA 30, 2015 Edition;

2. Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2015 Edition;

3. Standard on Explosion Protection by Deflagration Venting, NFPA 68, 2013 Edition;

4. Standard on Explosion Prevention Systems, NFPA 69, 2014 Edition; and

5. Standard on Types of Building Construction, NFPA 220, 2015 Edition.

(i) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, (301) 975-NIST (6478), or at <http://www.nist.gov/index.html>.

(j) Petroleum Equipment Institute (PEI), P. O. Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, or at www.pei.org/:

1. Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling, PEI/RP200-13, 2013 Edition; and

2. Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition.

(k) SSPC: The Coatings Society and NACE International, A copy of the following document is available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at SSPC: The Coatings Society, 40 24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222-4643, (877) 281-7772, or from the publisher's website at <http://www.sspc.org/>; or publisher at NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, or from the publisher's website at <http://www.nace.org/>: Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No.

24193, February 1997.

(l) Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steeltank.com/>;

1. Standard for the Inspection of Aboveground Storage Tanks, SP001, 5th Edition, Revised 2011;

2. Standard for Repair of Shop Fabricated Aboveground Tanks, SP031, 4th Edition, November 2008;

3. Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, R892, Revised January 2006;

4. Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids, R912, Revised October 2010, STI, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047; and

5. Standard for Aboveground Tanks with Integral Secondary Containment, F921[®], Revised October 2014;

6. Flameshield[®] Standard for Fire Tested Tanks, F001, October 2014;

7. Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks, F941, October 2014; and

8. Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank, F011, October 2014.

(m) Underwriters Laboratories Standards (UL), 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/;

1. Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, UL 142, August 2014, 9th Edition;

Newer version – checked and that is what we have

2. Non-metallic Underground Piping for Flammable Liquids, UL 971, June 2008, 2nd Edition; and

3. Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids, UL 2085, September 2003, 3rd Edition.

(n) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/;

1. Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), Title 40, Part 280, July 2015; Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001; and

2. Designation, Reportable Quantities, and Notification, Title 40, Part 302, July 2002, Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001.

(3) Applicability of Reference Guidelines: Storage tank systems or system components installed after (effective date of the rule) shall comply with this Chapter on or after (effective date of the rule). Unless otherwise specified in this Chapter, storage tank systems or system components installed before (effective date of the rule) are subject to the Reference Standards listed in the Department's storage tank Rules that were in effect at the time the storage tank systems or system components were installed.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 6-21-04, Amended _____.

62-762.301 Applicability.

(1) General Requirements:

(a) ~~Aboveground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, ~~and or~~ owners and operators of ~~aboveground stationary~~ storage tank systems with individual storage tank capacities greater than 550 gallons, that contain or contained regulated substances. Storage tank systems or system components installed after (effective date of the rule) shall comply with this Chapter upon installation. Unless otherwise specified in this Chapter, storage tank systems or system components installed before (effective date of the rule) are subject to the Reference Standards listed in the Department's storage tank Rules that were in effect at the time the storage tank systems or system components were installed.

1. ~~Vehicle fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~

2. ~~Pollutants after March 12, 1991; or~~

3. ~~Pollutants in unmaintained storage tank systems.~~

(b) ~~Aboveground compression vessels and hazardous substance storage tank systems:~~ Owners and operators of compression vessels and hazardous substance storage tanks ~~systems~~ with capacities of greater than 110 gallons and containing hazardous substances above reportable quantities under Designation, Reportable Quantities, and

Notification, Title 40, Part 302, July 2002, Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference and available from the address given 40 C.F.R. 302 are only required to comply with Rule 62-762.401-subsections 62-762.401(1)-(2), F.A.C. Owners and operators of aboveground storage tanks that contain hazardous substances consisting of ammonia and chlorine are required to comply with paragraph (1)(a) above.

(c) ~~Aboveground mineral acid storage tank systems~~: Owners and operators of facilities containing only mineral acid storage tank systems, ~~and~~ owners and operators of ~~aboveground~~ mineral acid storage tank systems with capacities of greater than 110 gallons containing mineral acids are only required to comply with Rule 62-762.891, F.A.C.

~~(d) This rule is applicable to non-residential facilities.~~

(2) Exemptions: The following ~~aboveground~~ systems are exempt from the requirements of this Chapter:

(a) Any storage tank system storing any hazardous waste listed or identified under Subtitle C of the Resource Conservation and Recovery Act, or a mixture of such hazardous waste and other regulated substances;

(b) Any storage tank system regulated under the Toxic Substances Control Act (15 U.S.C. 2065);

(c) Any pesticide waste degradation system regulated under Chapter 62-660, F.A.C.;

(d) Storage tank systems used solely for temporary storage of mixtures of pesticides and diluent for reapplication as pesticides;

(e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored. "Heating oil" means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces;

(f) Any tank that contains asphalt or asphalt products not containing other regulated substances;

(g) Any storage tank system storing regulated substances that are solid or gaseous at standard temperature and pressure;

(h) Any storage tank containing Liquefied Petroleum Gas;

(i) Any storage tank system that:

1. Contains regulated substances at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under 40 C.F.R. 302; and

2. Was never previously regulated under Chapter 376.30 through 376.309, F.S., or this Chapter contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;

(j) Any storage tank system that contains wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

(k) Any septic tank system;

(l) Any stormwater or wastewater collection system, including oil-water separator tanks;

~~(m) Any surface impoundment, pit, pond, or lagoon;~~

~~(n) Any agricultural storage tank system of 550 gallons capacity or less;~~

~~(m)(o) Any residential storage tank system;~~

~~(n)(p) Any emergency spill or emergency overflow containment storage tank systems, including those associated with electric power generation systems, that are~~ emptied as soon as possible after use, and that routinely remains empty;

(o) Any day tank system: FCG FPL suggested separating day tank

TransMontaigne Response: Support inclusion

~~(p)(q) Any flow-through process tank system. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility. Piping used to return unused regulated substances from the process production, or manufacturing point of use back to the storage tank system is considered part of this exemption;~~

~~(q)(r) Any storage tank system, liquid trap, or associated gathering lines directly related to oil or gas production and gathering operations regulated by Chapter 377, F.S.; however, this exclusion does not apply to storage tanks that contain refined products;~~

~~(r)(s) Any equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift or fluid tank systems that hold hydraulic fluid for closed-loop mechanical systems used to operate lifts, elevators, and other similar devices and dielectric fluid (cooling and lubricating oil) systems used for electrical equipment and electrical equipment tank systems;~~

~~(s)(t) Any pipeline facilities;~~

~~(t)(u) Any storage tank system containing radionuclides or that is part of an emergency generator system for~~

nuclear power generation at facilities regulated by the Nuclear Regulatory Commission under 10 C.F.R. Part 50 Appendix A;

~~(u)(v)~~ Any ~~v~~vapor recovery holding tanks and associated vapor recovery piping systems; ~~or~~

~~(v)(w)~~ Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 5-of NFPA 30, Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles;

~~(w)(x)~~ Any ~~Drip~~ drip-irrigation systems that:

1. Are not in contact with the soil;
2. Are constructed of corrosion resistant materials;
3. Are compatible with the products stored;
4. Contain less than 80% concentration of fertilizer materials by volume; and
5. Are applied on site.

~~(x)(y)~~ Systems used exclusively for the storage of aqueous solutions of sodium hypochlorite;

~~(y)(z)~~ Any mobile tank;

~~(z)(aa)~~ Any system located entirely within an industrial occupancy building;

~~(aa)(bb)~~ Any storage tank system, that was installed before July 13, 1998, and is located entirely within an enclosed building or vault with an adequate roof and walls to prevent rainwater from reaching the system, and with an impervious floor containing no valves, drains, or other openings that would permit regulated substances to be discharged from the system. For storage tank systems that were installed between July 13, 1998, and the *(effective date of the rule)* must meet the applicable regulatory requirements in effect at the date of installation that were constructed before July 13, 1998; or

~~(bb)(cc)~~ Any ~~mobile double-walled storage double-wall~~ tank, ~~regardless of how long it is located at a facility,~~ that is connected with a power module system that is used for the emergency or supplemental generation of electrical power by an electric utility as defined in Chapter 366, F.S. This exemption is limited to storage tanks that are designed and constructed to be moved between to other service locations, relocated and the relocation within a facility or where the inherent use is from site to site; is inherent in its use.

~~(cc)~~ Docklines transferring regulated substances from the marine transfer area to the bulk product facility provided the docklines are not integral piping of the regulated bulk product facility;

TransMontaigne Response: Support revision

~~(dd)~~ Any storage tank system containing biofuels with a concentration of regulated substances of five percent or less by volume; or

~~(ee)~~ Any multiple compartmented storage tank system where each compartment does not share any of its walls with another compartment and the maximum capacity of each compartment is equal to or less than 550 gallons.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 6-21-04, Amended .

Substantial rewording of Rule 62-762.401, F.A.C., follows. See Florida Administrative Code for present text.

62-762.401 Facility Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subsection, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) For new facilities, which are facilities that began construction after *(effective date of the rule)*, a completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in electronic or paper format to the Department no later than 30 days prior to installation. For facilities with existing registered storage tank systems, a completed Registration Form shall be submitted in electronic or paper format to the Department no later than seven (7) days prior to regulated substances being put into any new storage system. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldepportal.com/go/submit-registration/>, or the form can be obtained at www.flrules.org/Gateway/reference.asp?No=Ref-00###.

(2) For a change in service status or closure pursuant to Rules 62-762.801, and 62-762.802, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status.

(3) A completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days of the following changes or discovery:

(a) Any change in the owner or operator of a facility or of a storage tank system;

(b) Any change or correction in the information reported in the Registration Form. A change within the same

blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);

(c) A permanent change from a regulated to a non-regulated substance; and

(d) The discovery of an unregistered storage tank system.

(4) Registration fees.

(a) Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all storage tank systems and compression vessels, required to be registered, except for:

1. Storage tank systems and compression vessels that have been properly closed in accordance with subsections 62-762.801(2), and 62-762.802(3), F.A.C.; and

2. Storage tank systems and compression vessels at federally-owned or operated facilities.

(b) A fee of \$50.00 per storage tank or compression vessel shall be submitted for each initial registration of a storage tank system or compression vessel. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(c) A renewal fee of \$25.00 for each storage tank with a capacity of 250,000 gallons or less and for each compression vessel shall be paid to the Department by July 1 each year.

(d) A renewal fee of one dollar per every 10,000 gallons of storage capacity for each storage tank with a storage capacity greater than 250,000 gallons, shall be paid to the Department each year, not to exceed \$1,000 per storage tank.

(e) A fee of \$25.00 per storage tank shall be paid to the Department for each storage tank or compression vessel that is replaced within 30 days after receipt of an invoice by the Department.

(f) A late fee of \$20.00 per storage tank or compression vessel shall be paid to the Department for any renewal that is received after July 31.

(g) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$5,000 for all pollutant storage tanks located at the facility.

(h) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$2,500 for all registered compression vessels and hazardous substance storage tanks located at the facility.

(i) Upon receipt of payment of all applicable registration fees, each facility shall receive a valid registration placard, pursuant to Section 376.3077, F.S. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the storage tank system is located. Posted on the Department website will be information regarding those motor fuel facilities who have not timely paid their registration fees.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-762.401(4)(i), F.A.C., no motor fuel may be deposited into a storage tank required to be registered pursuant to this Rule. Facility owners, operators and suppliers are each responsible for compliance with this provision. For the purposes of this Rule, motor fuels mean petroleum products, including petroleum products blended with biofuels, used for the operation of a motor or engine.

Rulemaking Specific-Authority 376.303 FS. Law Implemented 376.303, 376.3077 FS. History–New 6-21-04, Amended _____.

Editorial Note: Portions of this rule were relocated to Rule 62-761.421.

62-762.411 Notification.

(1) For Installations:

(a) For the purposes of this subsection, installation shall mean the date that the storage tank system placement or construction will begin.

(b) Notification shall be received by the County in writing or electronic format between 30 and 45 days before installation of a storage tank system unless the County agrees to a shorter time period.

(c) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the installation work to confirm the date and time of the scheduled activities.

(2) For change in service status and closure:

(a) Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work related to the change in service status, closure, or closure integrity evaluation unless the County agrees to a shorter time period.

(b) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the initiation of the work related to the change in service status, closure, or closure integrity evaluation to confirm the date and time of the scheduled activities.

(c) A Closure Integrity Evaluation Report Form 62-761.900(7), (Closure Integrity Report), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, as prepared in accordance with paragraph 62-762.801(3)(a), or 62-762.802(4)(a), F.A.C., must be provided to the County with the notification of closure. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###

(3) Internal Inspections. Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period for inspections in accordance with API Std 653, and for piping integrity testing pursuant to API 570. Smaller field erected tanks with capacities less than 250,000 gallons shall be inspected in accordance with STI SP001 or API 653. Notification is not required for any **STI SP 001**, API 653 and 570 inspection work or activities where the tank or piping will remain in service or will not be empty, or for routine maintenance.

TransMontaigne Response: Support revised requirement with proposed insertion.

(4) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification (INF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 72 hours or close of the County's next business day; however an INF need not be submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-762.431, F.A.C., confirms that a discharge did or did not occur. Copies of the INF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###.

(5) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 24 hours or before the close of the next business day. Copies of the DRF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###.

(6) Notification is not required for Temporary Out-of-Service or for minor repairs to gauges, vents, or other equipment that is attached to the top of a storage tank.

TransMontaigne Response: Support revised requirement

Rulemaking Specific Authority 376.303, 376.309 FS. Law Implemented 376.303, 376.309 FS. History--New 6-21-04, Amended _____.

Editorial Note: Portions of this rule were copied from Rule 62-762.451.

62-762.421 Financial Responsibility.

(1) Financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum or petroleum product at the facility.

(2) Financial responsibility shall be demonstrated to the County or Department for all storage tank systems until they are properly closed and the Limited Closure Report or Closure Report is submitted to the County or the Department. If the facility owner, facility operator, tank owner and tank operator are separate persons, then only one person is required to demonstrate financial responsibility. However, the facility owner is liable in event of noncompliance.

(3) Demonstration of financial responsibility for storage tank systems shall be made available for inspection by the Department or the County. The demonstration of financial responsibility for storage tank systems shall be in accordance with *Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST) - Financial Responsibility*, Title 40, Part 280, Subpart H, July 2015, U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and is available from the address given, except that:

(a) For a facility with a storage tank system or systems with a cumulative capacity greater than 550 gallons and less than or equal to 10,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$500,000 per incident and \$1 million annual aggregate.

(b) For a facility with a storage tank system or systems with a cumulative capacity greater than 10,000 gallons and less than or equal to 30,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$1 million per incident and \$1 million annual aggregate.

(c) For a facility with a storage tank system or systems with a cumulative capacity greater than 30,000 gallons and less than or equal to 250,000 gallons the demonstration of financial responsibility for cleanup of a discharge and

third-party liability shall be a minimum of \$1 million per incident and \$2 million annual aggregate.

(d) For a facility with a storage tank system or systems with a cumulative capacity greater than 250,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$3 million per incident and \$6 million annual aggregate.

(4) Notwithstanding the owner's or operator's financial responsibility status, the owner and operator shall, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.309 FS. History-New

Editorial Note: Portions of this rule were copied from Rule 62-762.401.

62-762.431 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rules 62-762.601, and 62-762.602, F.A.C.:

1. Any visual inspection of any part of a storage tank system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances that reveals uncontrolled or untreated pitting or corrosion, structural damage, leakage, or other similar problems; FCG FPL recommends removal for consistency (removed active added untreated/or)

TransMontaigne Response: Support revised requirement with the removal of "or" and the addition of "uncontrolled"

2. Any visual observation of regulated substances in a containment sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained; or that liquid, other than condensate, has been detected by a sensor in a normally dry interstice;

4. Any visual observation that indicates that liquid level hydrostatic monitoring levels are not being maintained;

5. Any loss of vacuum or a 50% change in pressure from one month to the next; and

6. Any visual inspection that indicates the presence of water, regulated substances, other than condensate, in the interstice.

(b) A failed integrity test for the following components:

1. Double-bottomed field erected storage tanks;

2. Double-walled integral piping;

3. Containment sumps; and

4. Spill containment systems.

(c) The presence of odors of regulated substances from surface water or groundwater, soil, basements, sewers and utility lines at a facility;

(d) The loss of regulated substances from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; and

(e) The loss of a regulated substance exceeding 500 gallons inside a dike field area with secondary containment.

(2) If an incident occurs at a facility, actions shall be initiated within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

(3) Notification of the discovery of any incident shall be made to the County on an INF in writing or electronic format within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

(4) In cases where an INF is required to be submitted, the investigation shall be completed within 14 days of the date of discovery of the incident to determine if a discharge has occurred. Incident investigations that require additional time can be extended with the written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system or system component shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period to investigate the incident, or at the end of an alternate time period approved by the Department or the County, a determination must be made as to whether the incident was a

discharge. If the incident was a discharge, then a DRF shall be submitted in writing or electronic format to the County. If the incident was not a discharge, then a written confirmation and explanation that the incident was not a discharge shall be submitted in writing or electronic format to the County.

TransMontaigne Response: Support revised requirement

(6) The removal of any release of regulated substances into secondary containment shall be initiated within three days of discovery, and completed within thirty days of discovery.

(7) If a discharge is discovered at any time during the incident investigation, the discharge shall be reported on a DRF in writing or electronic format, within 24 hours of discovery or before the close of the next business day, and a discharge response shall be initiated in accordance with subsection 62-762.441(6), F.A.C.

(8) All incidents, regardless of whether an INF is required to be submitted, shall be documented and records kept until storage tank system closure in accordance with Rule 62-762.711, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New .

Editorial Note: Portions of this rule were copied from Rule 62-762.821.

62-762.441 Discharges.

(1) Discharges include:

(a) Laboratory analytical results of surface water or groundwater samples indicating the presence of contamination by a contaminants of concern listed in Table B in Chapter 62-780, F.A.C.;

(b) Laboratory analytical results of soil samples indicating the presence of contamination by a contaminants of concern listed in Table B in Chapter 62-780, F.A.C. that exceed the lower of direct exposure residential or leachability based on groundwater criteria cleanup target levels in Chapter 62-777, F.A.C.;

(c) The presence of free product, a visible sheen, sludge, or emulsion of a regulated substance, or a regulated substance that is visibly observed in soil, on or in surface water, in groundwater samples, on basement floors, in open drainage ditches, in open excavations or trenches, in subsurface utility conduits or vaults, or in sewer lines at the facility; and

(d) A spill or overfill of a regulated substance to a pervious surface, except as provided in subsection 62-762.441(5), F.A.C.

(2) Upon discovery of a discharge, the owner or operator shall report the discharge to the County on a DRF within 24 hours or before the close of the County's next business day. If, however, this discovery is thought to be a previously reported discharge, the owner or operator will have 30 days to investigate and submit supporting documentation or a DRF.

TransMontaigne Response: Support revised requirement

(3) Copies of laboratory analytical results that confirm a discharge shall be submitted to the County within 24 hours of receipt of the results or before the close of the next business day in writing or electronic format.

(4) A request for a retraction of a submitted DRF shall be submitted to the County or the Department in writing or electronic format if evidence is presented that a discharge did not occur at the facility.

(5) A DRF does not need to be submitted:

(a) For a discharge that was previously reported to the appropriate County or the Department on a DRF;

(b) For **petroluem** or petroleum product de minimis discharges in accordance with Rule 62-780.560, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in Title 40, Part 302, C.F.R.; or

(c) Regardless of the date of installation of storage tank systems, for petroleum or petroleum product de minimis discharges in accordance with subsection 62-780.560(1), F.A.C.; or

Spelling

(d) For non-**petroluem** de minimis discharges in accordance with Rule 62-780.550, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in the following document which is hereby adopted and incorporated by reference, and is available from the address given: *Designation, Reportable Quantities, and Notification*, Title 40, Part 302, July 2002. To obtain this reference see paragraph 62-761.211(2)(n), F.A.C.

(6) Discharge response.

(a) When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:

1. Fire, explosion, and vapor hazards shall be identified and mitigated;

2. Actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (e.g., Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with Chapter 62-780, F.A.C.;

3. Each component of the storage tank system shall be integrity tested within three days of discovery of the discharge if the source and/or cause of the discharge is unknown;

4. The storage tank system component that is discharging shall be isolated from the system within three days of discovery of the discharge. If the component cannot be isolated from the system, within three days of discovery of the discharge the storage tank system shall not operate, dispense, or accept deliveries, or shall be placed out-of-service in accordance with Rules 62-762.801, and 62-762.802, F.A.C., until the component can be repaired or replaced;

5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-762.701, or 62-762.702, F.A.C.;

6. If the storage tank system component that was found to be discharging will be replaced, it shall meet the storage tank system requirements in accordance with Rule 62-762.501, F.A.C.; and

7. If the storage tank system component that was found to be discharging will not be repaired or replaced, the component shall remain isolated from the storage tank system. In cases where the component cannot be isolated from the storage tank system, the system shall remain out-of-service or shall be closed in accordance with Rules 62-762.801, and 62-762.802, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New

Editorial Note: Portions of this rule were copied from Rule 62-762.821.

62-762.451 Notification and Reporting

Rulemaking Specific Authority 376.303, 376.309 FS. Law Implemented 376.303, 376.309 FS. History--New 6-21-04, Repealed

Substantial rewording of Rule 62-762.501, F.A.C., follows. See Florida Administrative Code for present text.

62-762.501 Storage Tank Systems Requirements ~~for Shop Fabricated Performance Standards for Category C Storage Tanks Systems.~~

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substances and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes, GSI Test Method GM13, Rev. 11, December 2012, Geosynthetic Institute, Published by Geosynthetic Institute, 475 Kedron Avenue, Folsom, PA 19033-1208 (610) 522-8440, hereby adopted and incorporated by reference, and available from the address given, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with Control of Cracking in Concrete Structures (Reapproved 2008), ACI 224R-01, 2008, and Design Considerations for Environmental Engineering Concrete Structures, ACI

350.4R-04, 2004, American Concrete Institute (ACI), published by ACI, 38800 Country Club Drive, Farmington Hills, Michigan 48331, hereby adopted and incorporated by reference and are available from the address given and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, unless previously lined in accordance with *Coatings and Linings over Concrete for Chemical Immersion and Containment Service*, SP0892-2007 (formerly RP0892), 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference and available from the address given and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the General Construction Requirements specified in this section.

4. Secondary Containment constructed with other materials, including clay liner materials having permeability no less than 1×10^{-7} cm/sec, shall be impervious and registered in accordance with Rule 62-762.851(2), F.A.C.

TransMontaigne Response: Support revised requirement

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, hydrant sumps, and dispenser sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

a. Twenty-four hours for field-fabricated components; or

b. Three hours for factory-made components.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tanks with closed interstice after it is delivered to the facility and before the storage tank is placed into service. This test shall be performed in accordance with, PEI/RP200-13., 2013 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, hereby adopted and incorporated by reference and available from the address given.

10. Before integral piping is placed into service, an interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with PEI/RP100-11 and PEI/RP1200-12.

11. If double-walled spill buckets are installed, an interstitial integrity test shall be performed in accordance with PEI/RP1200-12 before the spill bucket is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(f), F.A.C., or another method of monitoring to allow for a determination of current operating status. Cathodic protection test stations shall provide direct access to the soil electrolyte in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.701(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies registered with the Department in accordance with Rule 62-762.851(2), F.A.C., provide an alternative to cathodic protection for protection of metal surfaces within the secondary containment. Vapor corrosion inhibitors (VCI) effectiveness shall

be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.701(3), F.A.C.

(e) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with NFPA 30; *Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; *Process Piping*, B31.3-2004, 2012 Edition, ASME International (founded as the American Society of Mechanical Engineers), Published by ASME, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900; and *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-13, 2013 Edition, Petroleum Equipment Institute (PEI), Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, hereby adopted and incorporated by reference, and are available from the addresses given.

(i) Whenever integral piping in contact with the soil is installed or relocated after (*effective date of the rule*), a survey drawing of the underground integral piping, signed and sealed by a Professional Land Surveyor or Professional Engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-762.711, F.A.C.

TransMontaigne Response: Support revised requirement

(2) Storage Tank Installation.

(a) In addition to the requirements of paragraph 62-762.501(1)(g), F.A.C., storage tank systems shall be installed according to the applicable provisions of *Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids*, R912, Revised October 2010, STI, Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference and available from the address given.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following requirements hereby adopted and incorporated by reference and available from the addresses given:

a. *Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*, UL 142, 2006 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096;

b. *Welded Tanks for Oil Storage*, API Std 650, 12th Edition, March 2013, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070;

c. *Specification for Fiberglass Reinforced Plastic Tanks*, API Spec 12P, 3rd Edition, October 2008; American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070;

d. *Standard for Aboveground Tanks with Integral Secondary Containment*, F921®, Revised January 2013, STI, Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047; or

e. *Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids*, UL 2085, May 1999 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096.

f. *Flameshield® Standard for Fire Tested Tanks*, F001, January 2013, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

g. Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks, F941, December, 2012,
Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

h. Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank, F011, May, 2012,
Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

2. Storage tanks that meet the above performance requirements, that are constructed of equivalent material, or have an equivalent design shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with *Cathodic Protection of Aboveground Petroleum Storage Tanks*, API RP 651, 3rd Edition, January, 2007, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, and *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, RP0193-2001, 2001 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference and available from the addresses given;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with subparagraph 62-762.501(1)(c)1., F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.701(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with Rule 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe test location or a method of monitoring to allow for a determination of the corrosion rate on the underside of the tank floor or other interstitial or metallic surface. The VCI system shall be designed and installed in accordance with the requirements specified in Rule 62-762.701(2), F.A.C.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30, *Storage of Liquids in Tanks - Aboveground Storage Tanks*;

b. Contain a minimum of 110% of the maximum capacity of the storage tank located within the dike field area; or of the largest single-walled storage tank located within a dike field area containing more than one storage tank. For dike field areas containing more than one storage tank, capacity calculations shall be made after deducting the volume of the storage tanks, other than the largest storage tank, below the height of the dike;

c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:

i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or

ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and

d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the discharge of regulated substances.

(e) Overfill protection.

1. 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% capacity. *Advisory about SPCC-Marshall to provide - no*

Note – here is an excerpt from the EPA SPCC slide show about double wall tanks without dikefields (secondary containment, under SPCC) having to have autoflow shut-

off overfill protection and must monitor the fuel transfer. However, this requirement is in a policy memo and not a rule, so it is unlikely that JAPC will allow the enforcement of a federal policy memo.

Summary of Required Elements from the Double-walled Tank Memos:

The use of certain shop-built double-wall ASTs serve as an “equivalent” preventive system for purposes of the general secondary containment requirements of §112.7(c) when they include the following elements:

Containers are shop fabricated;

The inner tank is an Underwriter Laboratories (UL)-listed steel tank;

The outer tank is constructed in accordance with nationally accepted industry standards;

Equipped with the following overfill prevention measures to contain overfills from tank vents:

Overfill alarm and

Automatic flow restrictor or flow shut-off; and

All product transfers are constantly monitored.

2. All storage tanks shall be equipped with at least one of the following overfill protection devices:

a. A gauge or other measuring device that accurately shows the level of regulated substances in the storage tank and that is visible to the person who is monitoring the filling that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

b. A high level (at 90% tank capacity) warning alarm that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

c. A high level (at 90% tank capacity) liquid flow cutoff controller that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation; or

TransMontaigne Response: Rule 62-762,851 specifies that only gauges used for vacuum or pressure monitoring have to be registered. That is in conflict with 2. a. above. Also, these are new requirements that, while consistent with federal UST rules, they are more stringent than the current rules.

These gauges in 2.a. are not for vacuum or pressure monitoring and have to be approved.

d. An impervious dike field area designed to contain overfills.

3. Storage tanks with capacities of 15,000 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% capacity.

4. Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.

(f) Spill containment systems.

1. Storage tanks shall be installed with a spill containment system at each storage tank fill connection, except within dike field areas with secondary containment. The spill containment system shall meet the requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C.

2. Fillbox covers shall be marked or the fill connection tagged in accordance with *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API Recommended Practice 1637 (R2012), 3rd Edition, July 2006, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; or *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012, hereby adopted and incorporated by reference and available from the address given, or with an equivalent method approved by the Department in accordance with subsection 62-762.851(1), F.A.C.

3. Spill containment systems, including double-walled spill containment systems, shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(g) Dispensers and dispenser sumps.

1. The dispenser used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30 and Chapter 6, *Fuel Dispensing Systems*;

Chapter 9, *Operational Requirements*; and Chapter 11, *Marine Fueling* of NFPA 30A.

2. Dispensers shall be installed with a dispenser sump, except those within an impervious dike field area with secondary containment, meeting the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and registered in accordance with subsection 62-762.851(2), F.A.C. The dispenser sump shall extend beneath the union of the integral piping and the dispenser, including the shear valve, if applicable. Dispensers mounted directly upon the storage tank or that are otherwise associated with storage tank systems that do not have underground integral piping are exempt from this requirement.

3. Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(h) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The piping sumps shall be designed, constructed, and installed to minimize water entering the sump.

2. Piping sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(i) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use, and be registered in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material.

(j) Relocation of storage tanks. Storage tanks that have been removed and that are to be reinstalled at a different property shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C. They shall be reinstalled in accordance with manufacturer's specifications and inspected in accordance with *Standard for the Inspection of Aboveground Storage Tanks*, SP001, 5th Edition, Revised 2011, STI, Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference and available from the address given, and with the requirements in Rule 62-762.501, F.A.C.

(3) Small diameter integral piping.

(a) Installation.

1. All integral piping installed after *(effective date of the rule)*, shall be installed in accordance with the manufacturer's instructions, if applicable, and according to the applicable provisions of PEI/RP200-13; Chapter 27 of NFPA 30, *Piping Systems*; NFPA 30A; and ASME B31.4.

2. An interstitial integrity test shall be performed on double-walled integral piping in contact with the soil or that transports regulated substances over surface waters of the state in accordance with PEI/RP100-11 and PEI/RP1200-12 before the integral piping is placed into service.

3. All new integral piping that is not in contact with the soil, shall meet the construction requirements in paragraphs 62-762.501(3)(a) through (c), F.A.C., and shall be UV rated if exposed to sunlight and made of non-metallic materials.

4. New double-walled integral piping that is in contact with the soil shall be installed with a slope to a low point monitoring system. Double-walled integral piping utilizing hydrostatic, pressure or vacuum monitoring are not subject to this requirement.

5. All new pressurized small diameter integral piping that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(5)(b), F.A.C. The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Chapter 7 of PEI/RP200-13, *Pumps and Valves*. *Marshall to provide comment*

Statement below covers the issue

6. All pressurized small diameter integral piping installed prior to *(effective date of the rule)* that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(5)(b), F.A.C. within one year of *(effective date of the rule)*. The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Chapter 7 of PEI/RP200-13, *Pumps and Valves*. *Line leak detectors are not required for piping that is not in contact with the soil. Line leak detectors installed in conjunction with a submersible turbine pump must be located downstream from the anti-siphon or solenoid valve.*

TransMontaigne Response: Support revised requirement

(b) Secondary containment.

1. All small diameter integral piping, including remote fill piping, that is in contact with the soil or that transports regulated substances over surface waters of the state, including those that contain used oil, shall have secondary containment.

2. Small diameter integral piping containing high viscosity products are exempt from the requirements for secondary containment.

3. Single-walled integral piping that is in contact with the soil and is not exempt pursuant to subparagraph 62-762.501(3)(b)3., F.A.C., shall be immediately and permanently closed in accordance with subsection 62-762.801(2), F.A.C.

(c) Construction.

1. Fiberglass reinforced plastic piping, semi-rigid non-metallic or metallic piping, or other non-metallic piping installed in contact with the soil shall be listed in *Non-metallic Underground Piping for Flammable Liquids*, UL 971, 1995 Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference and available from the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-762.851(2), F.A.C.

2. Rigid metallic integral piping shall be constructed in accordance with ASME B31.3 or PEI RP200. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API Recommended Practice 1632 (2002), 3rd Edition, January 1996, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2007, 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906; and *Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, STI R892, Rev. January 2006, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and are available from the addresses given.

TransMontaigne Response: Support revised requirement

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, *Piping Systems*.

4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

5. Small diameter piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.701(2), F.A.C.

(d) Valves.

1. Shear valves. Pressurized small diameter integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, *Requirements for Dispensing Devices*. These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-12 at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.

2. Isolation block valves. Any storage tank system located at an elevation that produces a gravity head on the dispenser or on small diameter integral piping positioned below the product level in the tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, *Tank Openings Other Than Vents*.

3. Anti-siphon valves. For small diameter integral piping with suction and pressurized systems and dispensers that are subject to NFPA 30A, anti-siphon valves shall be installed and maintained in accordance with Section 7 of PEI/RP200-13, *Pumps and Valves* and Section 11.2 of NFPA 30A, *Marine Fueling, Storage*. Integral piping that includes design factors that prevent siphoning does not require anti-siphon valves. Integral piping located within an impervious dike field does not require anti-siphon valves.

4. Storage tank systems without dispensers installed after, (effective date of the rule), that produce a gravity head on small diameter integral piping positioned below the product level in the tank must be installed with valves

or piping designed that will prevent the tanks from emptying if there is a leak or break in the integral piping in accordance with NFPA 30.

TransMontaigne Response: Support revised requirement

(4) Bulk product piping associated with shop fabricated storage tanks shall meet the requirements of subsection 62-762.502(4), F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended _____.

62-762.502 Storage Tank System Requirements for Field Erected Storage Tanks.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substances and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with *Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes*, GSI Test Method GM13, Rev. 11, December 2012, Geosynthetic Institute, Published by Geosynthetic Institute, 475 Kedron Avenue, Folsom, PA 19033-1208 (610) 522-8440, hereby adopted and incorporated by reference, and available from the address given, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with *Control of Cracking in Concrete Structures* (Reapproved 2008), ACI 224R-01, 2008, and *Design Considerations for Environmental Engineering Concrete Structures*, ACI 350.4R-04, 2004, American Concrete Institute (ACI), published by ACI, 38800 Country Club Drive, Farmington Hills, Michigan 48331, hereby adopted and incorporated by reference and are available from the address given and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, unless previously lined in accordance with *Coatings and Linings over Concrete for Chemical Immersion and Containment Service*, SP0892-2007 (formerly RP0892), 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference and available from the address given and be registered with the Department in accordance with subsection 62-761.851(2), F.A.C.; or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the General Construction Requirements specified in this section.

4. Secondary Containment constructed with other materials, including clay liner materials having permeability no less than 1×10^{-7} cm/sec, shall be impervious and registered in accordance with subsection 62-762.851(2), F.A.C.

TransMontaigne Response: Support revised requirement

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, and hydrant sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

a. Twenty-four hours for field-fabricated components; or

b. Three hours for factory-made components.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tank with closed interstice after it is constructed at the facility and before the storage tank is placed into service. This test shall be performed in accordance with, PEI/RP200-13, 2013 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, hereby adopted and incorporated by reference and available from the address given.

10. An interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil or that transports regulated substances over surface waters of the state in accordance with PEI/RP100-11 and PEI/RP1200-12 before the small diameter integral piping is placed into service.

TransMontaigne Response: The PEI standard is for shop-fabricated tanks. The interstitial test should be performed in accordance with API 650 standards.

Need to review API 650

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(f), F.A.C., or another method of monitoring to allow for a determination of current operating status. Cathodic protection test stations shall provide direct access to the soil electrolyte in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.702(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies, registered with the Department in accordance with subsection 62-762.851(2), F.A.C., provide an alternative to cathodic protection for protection of metal surfaces within the secondary containment. Vapor corrosion inhibitor (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.702(3), F.A.C.

(e) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with **API 650**, NFPA 30; Motor Fuel Dispensing

DRAFT

Facilities and Repair Garages, NFPA 30A, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; *Process Piping*, B31.3-2004, 2012 Edition, ASME International (founded as the American Society of Mechanical Engineers), Published by ASME, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900; and *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-13, 2013 Edition, Petroleum Equipment Institute (PEI), Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, hereby adopted and incorporated by reference, and are available from the addresses given.

TransMontaigne Response: API 650 should be added to this list

(i) Whenever integral piping in contact with the soil is installed or relocated after (effective date of the rule), a survey drawing of the underground integral piping, signed and sealed by a Professional Land Surveyor or Professional Engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-762.711, F.A.C.

TransMontaigne Response: No objections

(2) Storage tank installation.

(a) All storage tank systems shall be installed in accordance the applicable provisions of Chapter 22 of NFPA 30, *Storage of Liquids in Tanks - Aboveground Storage Tanks*.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following:

a. *Design and Construction of Large, Welded, Low-Pressure Storage Tanks*, API Std 620, 11th Edition, Includes Addendum 1 (2009), Addendum 2 (2010), and Addendum 3 (2012), American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference; or

b. API Std 650.

2. Storage tanks shall be inspected and tested at a frequency established in accordance with API Std 653 and maintained for the life of the tank.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with API RP 651 or NACE International Standard RP0193-2001. Storage tanks that have been upgraded with secondary containment consisting of a new steel bottom that is not in contact with the soil are not required to have cathodic protection on the new steel bottom;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with paragraph 62-762.502(1)(c), F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.702(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.702(2), F.A.C.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of NFPA 30, Chapter 22, *Storage of Liquids in Tanks - Aboveground Storage Tanks*;

b. Contain a minimum of 110% of the maximum capacity of the storage tank located within the dike field area; or of the largest single-walled storage tank located within a dike field area including more than one storage tank. For dike field areas containing more than one storage tank, capacity calculations shall be made after deducting

the volume of the storage tanks, other than the largest storage tank, below the height of the dike;

c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:

i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or

ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and

d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the release of regulated substances.

7. Storage tanks where the entire bottom of the tank is in contact with concrete, and the concrete is not sealed in accordance with paragraph 62-762.502(1)(b), F.A.C., do not have to seal the concrete beneath the tank until such time as the tank bottom is replaced. Concrete secondary containment systems designed in accordance with subparagraph 62-762.502(1)(b)3., F.A.C., do not have to be sealed.

8. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, an alternative dike field secondary containment system registered in accordance with subsection 62-762.851(2), F.A.C., may be used. Alternative dike field secondary containment systems are not allowed in public wellhead protection areas. The alternative dike field secondary containment system must provide:

a. Continuous tank shell monitoring with approved probes, cables, or electronic sensors;

b. Immediate electronic notification to the owner or operator of overfills and leaks from the tank shell;

c. Stormwater management;

d. A high and a high-high level overfill alarm system with an annual test of operability, in accordance with *Overfill Protection for Storage Tanks in Petroleum Facilities*, API Recommended Practice 2350, 4th Edition, May 2012, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference and available from the address given;

e. An impervious overfill retention system that will contain the volume of product that would be transferred at the maximum flow rate for a period of five minutes by the pump(s) used for filling the tank; and

f. An automatic system for shutting off the pump(s) used for filling the tank by an electronic signal from the continuous tank shell monitoring system, or an automatic system for the closing of any valve whose actuation time will stop the product transfer without inducing hydraulic hammer into the transfer system. The system must be designed to operate in conjunction with the impervious overfill retention system and be capable of preventing any discharge of product being transferred during and after the time needed to shut off the pump or close the valve.

g. In addition, equipment that is designed to be secondary containment in accordance with paragraph 62-762.502(1)(b), F.A.C., must be installed around or beneath pumps and valves within the dike field or secondary containment area.

9. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, a double-walled storage tank may be used. The storage tank must be constructed in accordance with API Std 650.

10. Release prevention barriers for dike-field containment systems shall be impervious and designed and constructed in accordance with API Std 650, or be registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

(e) Overfill protection.

1. No transfer of regulated substances shall be made unless the volume available in the tank is greater than the volume of regulated substances to be transferred. The transfer shall be repeatedly monitored to prevent overfilling.

2. Overfill protection shall be performed in accordance with API Recommended Practice 2350.

3. All new overfill alarms shall be annually tested for alarm function.

(f) Spill Containment. Storage tanks that are loaded by trucks shall be installed with a spill containment system at each tank fill connection within six months of *(effective date of the rule)*, except for tank fill connections located within dike field areas with secondary containment or within tank truck containment areas. The spill containment system shall meet the requirements of paragraph 62-762.502(1)(b), F.A.C.

(g) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.502(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The sumps shall be designed, constructed, and installed to prevent water entering the sump.

2. Piping sumps shall be installed to allow for interstitial monitoring of the integral piping and monitoring of the piping sump, as applicable, in accordance with Rule 62-762.601, F.A.C.

(h) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use and shall be registered

DRAFT

in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material. Hydrant sumps shall be containment integrity tested in accordance with subparagraph 62-762.502(1)(b)6., F.A.C.

(i) Relocation of storage tanks. Storage tanks that have been removed and that are to be reinstalled at a different location shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C., and reinstalled in accordance with API Std 653.

(3) Small diameter integral piping associated with field erected storage tanks shall meet the requirements of 62-762.501(3), F.A.C.

(4) Bulk product piping.

(a) Installation.

1. Bulk product piping shall be constructed and installed in accordance with the applicable provisions of Chapter 27 of NFPA 30, *Piping Systems* and either ASME B31.3 or B31.4 or API 1104.

TransMontaigne Response: Support both revised requirements

2. All new bulk product piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-762.502(3)(a) and (c), F.A.C.

3. An integrity test shall be performed for underground bulk product piping for high viscosity products in accordance with Chapter 27 of NFPA 30, *Piping Systems* before the piping system is placed into initial use. An interstitial integrity test shall be performed for underground bulk product piping with secondary containment in accordance with subsection 62-762.702(4), F.A.C., or Chapter 27 of NFPA 30 before the piping is placed into initial use.

(b) Secondary containment.

1. All bulk product piping, including such piping that contains used oil, that is in contact with the soil or that transports regulated substances over surface waters of the state shall have secondary containment.

2. Single-walled bulk product piping that was installed before June 30, 1992, and that had an initial structural evaluation performed in accordance with API 570 before January 1, 2000, is exempt from this requirement if the evaluation indicated that the bulk product piping had remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570 inspection indicates that repair, upgrading or closure is necessary.

3. Bulk product piping containing high viscosity products are exempt from the requirements for secondary containment.

4. Single-walled bulk product piping that is in contact with the soil and is not exempt pursuant to subparagraphs 62-762.502(3)(b)3., and 4., F.A.C., shall be immediately and permanently closed in accordance with subsection 62-762.802(3), F.A.C.

5. Bulk product piping in contact with the soil containing high viscosity products may be converted to non-high viscosity product service without having to install secondary containment if an API 570 integrity assessment is performed and confirms that the piping has remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570 inspection indicates that repair, upgrading or closure is necessary.

TransMontaigne Response: Strongly supports this new requirement

(c) Construction.

1. New steel bulk product piping shall be constructed in accordance with ASME B31.3 or 31.4, or API Standard 1104. Bulk product steel integral piping in contact with the soil shall be cathodically protected in accordance with API RP 1632, NACE International RP-0169-2007, or STI R892. Corrosion Protection can also be provided using vapor corrosion inhibitors registered in accordance with subsection 62-762.851(2), F.A.C. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional.

TransMontaigne Response: Support revised requirement

2. Bulk product piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

3. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.702(2), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New .

62-762.511 Performance Standards for Category-A and Category-B Storage Tank Systems.

Rulemaking Specific–Authority 376.303 FS. Law Implemented 376.303 FS. History–New 6-21-04, Repealed .

Substantial rewording of Rule 62-762.601, F.A.C., follows. See Florida Administrative Code for present text.

62-762.601 Release Detection Requirements for Shop Fabricated Storage Tank Systems Standards.

(1) General requirements.

(a) Storage tank systems shall have a method, or combination of methods of release detection that can detect a new release from any portion of the storage tank system.

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system within 90 days of (effective date of the rule) in accordance with subsection 62-762.801(2), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring which shall be conducted in accordance with this section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or visual release detection methods.

(d) Except as otherwise specified in this Rule, the release detection method or combination of methods used at a facility shall be performed at least once every calendar a month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. At least once a month, but not exceeding 35 days, 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 untreated pitting or corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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. A monthly visual inspection is not required for any system component using an electronic release detection method; however, piping and dispenser sumps that use an electronic release detection method must also be visually inspected every six months and records kept of the visual inspection.

TransMontaigne Response: Supports revised requirement with the striking of “or”

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer’s instructions and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-762.701(3), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to suspected releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable.

(i) Storage tank systems containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels cannot be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. For shop fabricated storage tanks, pressure readings shall be able to detect a 50% change from one month to the next, or any cumulative change of pressure exceeding 50% of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

TransMontaigne Response: Support revised requirement

b. Liquid-filled gauges shall be calibrated using NIST traceable standards, NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water or regulated substances in the interstice is considered a positive response. 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.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of liquid at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substance in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(3) Storage tanks without secondary containment.

(a) Required release detection methods. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed in accordance with paragraph 62-762.601(1)(e), F.A.C.

(b) Performance Requirements. Visual inspections of storage tanks shall include an inspection of the exterior of each tank, the integral piping, and any other storage tank system components.

(4) Small diameter integral piping with secondary containment.

(a) One or more of the applicable release detection methods in subsection 62-762.601(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter 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. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of

3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and restrict flow within one hour. Any instance where the mechanical line leak detector is restricting flow is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of ten gallons within one hour and shutting off the pump. Any instance where the monitoring device has shut off the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(4) Bulk product piping and hydrant piping with secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(5), F.A.C.

(5) Bulk product and hydrant piping without secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(6), F.A.C.

(6) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing Laboratory.

(7) Records shall be kept for three years generated on or after *(effective date of the rule)*. Records generated before *(effective date of the rule)* are required to be kept for two years, in accordance with Rule 62-762.711, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History—New 6-21-04, Amended _____.

62-762.602 Release Detection Requirements for Field Erected Storage Tank Systems.

(1) General requirements.

(a) Storage tank systems shall have a method, or combination of methods of release detection that can detect a new release from any portion of the storage tank system.

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-762.802(3), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring which shall be conducted in accordance with this section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or visual release detection methods.

(d) Except as otherwise specified in this Rule, the release detection method or combination of methods used at a facility shall be performed at least once every calendar a month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. At least once a month, but not exceeding 35 days, every component of a storage tank system that that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances 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 **untreated** pitting **or** corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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 62-762.702, F.A.C. A visual inspection is not required for any system component using an electronic release detection method.

TransMontaigne Response: Support revised requirement with the striking of "or"

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and shall

be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-762.702(4), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to suspected releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used.

(i) Storage tank systems containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels cannot be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. ~~For~~ pressure readings shall be able to detect a 50% change from one month to the next, or any cumulative change of pressure exceeding 50% of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

done

TransMontaigne Response: Support revised requirement with the striking of "for"

b. Liquid-filled gauges shall be calibrated using NIST traceable standards, NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water or regulated substances in the interstice is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of regulated substances

at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substances in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(3) Storage tanks without secondary containment.

(a) Required release detection methods.

1. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed in accordance with paragraph 62-762.602(1)(e), F.A.C.

2. Storage tanks, except those containing high viscosity product, shall have one of the following methods of release detection:

a. Electronic sensing equipment installed beneath the storage tank.

b. External monitoring using tracer or helium testing systems registered in accordance with subsection 62-762.851(2), F.A.C.

c. Another method registered in accordance with subsection 62-762.851(2), F.A.C.

(b) Performance Requirements. Single-wall release detection systems shall be designed and constructed to allow monitoring of the tank for the purpose of discovering if an incident or release has occurred. Single-wall release detection systems shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the testing or sampling method inoperative.

1. Electronic sensing equipment placed externally around storage tanks that involve the use of electronic sensors, probes, or fiber-optic systems shall be tested at least annually at intervals not exceeding 12 months to verify that they operate properly. Groundwater and vapor monitoring wells using the placement of sensors or probes in vertical, horizontal, or directionally-drilled wells shall be designed and installed in accordance with the equipment registration for that system.

2. Another method that meets the requirements of paragraph 62-762.602(1)(d), F.A.C.

3. Visual inspections of field-erected storage tanks shall include an inspection of the exterior of each tank, the integral piping system, the dike field area, and any other storage system components.

(4) Small diameter integral piping with secondary containment associated with field erected storage tank systems shall meet the requirements of subsection 62-762.601(4), F.A.C.

(5) Bulk product piping and hydrant piping with secondary containment shall have one or more of the release detection methods in subsection 62-762.602(2), F.A.C.

(6) Bulk product and hydrant piping without secondary containment. Single-walled bulk product and hydrant piping in contact with the soil, except those containing high viscosity product, shall have one or more of the following release detection methods:

(a) An annual line pressure test performed in accordance with *Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids or Carbon Dioxide*, API RP 1110, 5th Edition, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference and available from the addresses given, for piping segments of 10,000 gallons capacity or less.

(b) External monitoring shall be performed in accordance with the requirements of paragraph 62-762.602(1)(d), F.A.C., if designed to detect a discharge from any portion of the integral piping. External release detection methods using fiber optic, acoustic, helium, cable, and chemical marker release detection methods shall be performed monthly, or annually at intervals not exceeding 12 months if approved by a Nationally Recognized Testing Laboratory as having a 0.2 gallons per hour leak rate detection capability.

(c) Internal release detection methods, other than pressure testing, which are registered in accordance with subsection 62-762.851(2), F.A.C., shall be able to detect a leak of 0.2 gallons per hour with a probability of detection of 0.95, and a probability of false alarm of 0.05. Internal release detection systems meeting the 0.2 gallons per hour threshold shall be performed annually at intervals not exceeding 12 months. Annual pigging of bulk product piping can be performed as a method of internal release detection instead of other methods specified above. The pigging must provide ultrasonic thickness, magnetic flux, or other data that demonstrates that the piping does not have holes or sources where product leaks from the pipe.

(d) Bulk product and hydrant piping not in contact with the soil shall be visually inspected in accordance with paragraph 62-762.602(1)(e), F.A.C., monthly but not exceeding 35 days.

(7) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the

manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing Laboratory.

(8) Records shall be kept for three years generated on or after *(effective date of the rule)*. Records generated before *(effective date of the rule)* are required to be kept for two years, in accordance with Rule 62-762.711, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History—New.

62-762.611 Release Detection Methods.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed.

62-762.641 Performance Standards for Release Detection Methods.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed.

62-762.701 Repairs, Operation and Maintenance of Shop Fabricated Storage Tank Systems.

(1) General:

(a) Repairs.

(a)1. Repairs shall be performed if any component of a storage tank system ~~has is discovered to have:~~

1a. A release or discharge, ~~Discharged or has~~ contributed to ~~the~~ release or discharge of a regulated substance;

or

b. A release of regulated substances or AST water bottoms into secondary containment;

2e. The presence of groundwater in the interstice of an underground double-walled pipe; or

3d. An operational or structural problem that could potentially result in a ~~discharge or release or discharge or~~ lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.

(b)2. The storage tank system shall immediately cease operating, dispensing and accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and

2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shutdown of electrical generating units serviced by the storage tank system. ~~If repairs are required for any component or part of a storage tank system, and the nature of the repair activities or the condition of the component or part of the system requiring a repair may result in a release, and the component or part cannot be otherwise isolated from the system, the storage tank system shall be taken out of operation until the tank has been repaired or replaced. The restrictions against storage tank system operation shall not apply if the system contains heating oil or other fuels used solely for the generation of electricity where the removal of the storage system from service would result in the shut down of electrical generating units serviced by the system.~~

(c)3. Repairs shall be made:

1a. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure for the remaining operational life of the storage tank system; ~~and In a manner that will prevent discharges from structural failure or corrosion for the remaining operational life of the storage tank system;~~

2b. In accordance with manufacturer's specifications ~~and, NFPA Standard 30 or other applicable reference requirementsstandards;~~ and

e. To restore the structural integrity of the storage tank system.

(d)4. Repairs shall be evaluated and performed in accordance with *Standard for Repair of Shop Fabricated Aboveground Tanks*, SP031, 4th Edition, November 2008, STI, Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference and available from the address given, or other equivalent procedures. Repaired components shall be tightness tested, pressure tested, or tested for a breach of integrity, as applicable, before being placed back into service.

(e)5. Repaired tanks, integral piping, sumps, and spill containment systems shall be integrity tested for liquid tightness before being placed back into operation. Repairs to fiberglass reinforced plastic tanks shall be made by an authorized representative of the tank manufacturer or its successor, or in accordance with subsection 62-762.501(2), F.A.C.

(f)6. Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or

repaired. Repairs of pipe sections, sump penetration fittings and pipe fittings shall may be made repaired in accordance with applicable requirements standards in subsections 62-762.501(4) and (5) 62-762.501(3), F.A.C. Replacement of additional lengths of single-walled piping in contact with the soil are exempt from the requirements for secondary containment, provided that:

1a. The piping system does not have, or will not have to install, secondary containment until the deadlines established in Rule 62-762.501-62-762.511, F.A.C.; and

2b. The length of replacement or additional piping is less than 25% of the total length of the existing integral piping for the individual tank, or 100 feet, whichever is more less for each repair event.

TransMontaigne Response: Support revised requirement

~~(2)(b)~~ Cathodic and corrosion protection.

~~(a)4-~~ Cathodic and corrosion protection systems shall be ~~installed~~, operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil or within interstitial spaces using vapor corrosion inhibitor technologies.

~~(b)2-~~ Inspection and testing requirements.

1a. General- Storage tank systems equipped with ~~any type of~~ cathodic protection must be inspected, ~~and tested, and evaluated by or under the direction of a Corrosion Professional or a Cathodic Protection Tester~~ within six months of installation or repair and at least every year, ~~or every three years for factory installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in SP0169-2007 and External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, SP0285-2011, 2011 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference, and is available from the address given, as applicable. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph thereafter in accordance with the criteria contained in NACE International RP 0169-96 and RP 0193-93, as applicable. Factory installed (galvanic) cathodic protection systems may be tested every three years.~~

2b. Storage tank systems equipped with impressed current systems- Storage tank systems with impressed current systems shall be inspected at intervals not exceeding once every 60 days two months. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 1440 hours in one year shall be immediately taken out of service and assessed within 30 days ~~shall be assessed~~ by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria. If the assessment by the Corrosion Profession demonstrates that there are corrosion rates above the baseline levels of corrosion, the system shall be immediately taken out of service. However, storage tank systems with secondary containment that are equipped with impressed current systems do not have to be taken out of service or can exceed the non-operative cumulative limit of 1440 hours if a Corrosion Professional tests and evaluates the system and determines that there is no significant increase in the corrosion rate above the baseline levels of corrosion. The Corrosion Professional must test or evaluate the system every 90 days to monitor the corrosion rates for a time period not to exceed five years, when the tank shall be either taken out of service or the tank is provided with a functional corrosion protection system installed by a Corrosion Professional.

TransMontaigne Response: TransMontaigne takes great care in using the highest quality sand for interstitial use that will minimize active corrosion. This provision will allow an AST owner the ability to keep a tank in service if the corrosion risk is minimal while a strategy or solution is developed to correct the problem. There is still secondary containment to prevent a release.

~~(c)e-~~ Records of the continuous operation of impressed current systems and all cathodic protection inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C. Sacrificial anode systems. Storage tank systems with sacrificial anodes shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for annual testing in accordance with ~~sub paragraph 62-762.701(1)(b)2.a., F.A.C.~~

~~(d)3-~~ Storage tank systems with cathodic protection systems that have been determined by a Corrosion

Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1a. Be repaired within 90 days in accordance with paragraph 62-762.701(1)(c), or paragraph 62-762.702(1)(c) sub-paragraph 62-762.701(1)(b)2.a., F.A.C., or

2b. Be closed placed out of service in accordance with subsection 62-762.801(2), or subsection 62-762.802(3) 62-762.801(1), F.A.C.

4. Records of the continuous operation of impressed current systems and all cathodic protection inspection and testing activities shall be maintained in accordance with paragraph 62-762.701(1)(b), F.A.C.

(3) Vapor Corrosion Inhibitors

(a) Vapor Corrosion Inhibitor systems shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed spaces for storage tank systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year thereafter.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days and be retested within 90 days from the date of replenishment; or

2. Be closed in accordance with subsection 62-762.801(2), F.A.C.

(4)(e) Operation and maintenance.

(a) Integrity testing.

1. The integrity of secondary containment systems and interstitial spaces shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications or PEI/RP1200-12. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule: Spill containment devices, dispenser liners, and piping sumps shall be maintained to provide access for monthly examination and water removal as necessary. Water collected in spill containment devices, or in piping sumps and dispenser liners that is above the opening of the integral piping connection, or any regulated substances collected in these storage tank system components shall be removed and be either reused or properly disposed of.

a. Double-walled storage tanks and below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;

b. Below-grade piping sumps within five years of (effective date of the rule), and every five years thereafter;

c. Below-grade dispenser sumps within five years of (effective date of the rule), and every five years thereafter;

d. The interstice of below-grade double-walled integral piping within five years of (effective date of the rule), and every five years thereafter;

e. Below-grade spill containment systems within ~~three~~one year of (effective date of the rule) and at intervals not exceeding every 12 months thereafter; and

f. Below-grade hydrant sumps within one year of (effective date of the rule) and every ~~three~~ years thereafter.

TransMontaigne Response: Support revised requirement with the striking of "one" and the addition of "three"

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level four inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket, and hydrant sumps which shall be tested by filling the pit with at least four inches of water above the highest penetration. The secondary containment system shall be deemed tight if the water level remains stationary for a three hour period. Owners or operators shall ensure that the volume available in the tank is greater than the volume of regulated substances to be transferred to the tank before the transfer is made and shall ensure that any transfer is repeatedly monitored to prevent overfilling and spilling.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. ~~All release detection devices shall be tested annually to ensure proper operation. The test shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed.~~

~~(b)4-~~ Water removal. ~~Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.~~

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substances collected in secondary containment, spill containment systems, or in piping sumps and dispenser sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

2. Petroleum Contact Water. ~~Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.~~

~~(c)5-~~ Exterior Coatings ~~shall may be maintained to prevent corrosion in accordance with SSPC PA-1.~~

~~6. Regardless of the method of release detection used, inventory control shall be performed for ASTs containing vehicular fuel that do not have secondary containment.~~

~~(5)(2)~~ Stormwater management for secondary containment systems.

(a) The removal ~~or release~~ of stormwater from a facility should be performed in accordance with all applicable Department rules ~~(for example, Chapter 62-25, F.A.C., Regulation of Stormwater Discharge)~~. Owners and operators are advised that other federal, state, or local requirements ~~may~~ apply to these activities.

(b) Accumulated stormwater shall:

1. Be drawn off within one week after a rainfall event unless another frequency is allowed by the facility's stormwater discharge permit or by another instrument, such as a Spill Prevention Control Countermeasure Plan or a Department permit; and

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated substances.

(c) If gravity drain pipes are used to remove water from the dike field areas, all valves shall be kept closed except when the operator is in the process of draining water.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., that is designed to allow filtration of water and prevent discharges of contaminated water.

~~(3) API 653 inspections. Category B and Category C tanks. Initial examinations for AST Category A and Category B tanks shall be completed by December 31, 1999.~~

~~(6)(4)~~ Evaluation and testing of single-walled metallic bulk product and hydrant piping systems in contact with the soil associated with shop fabricated storage systems shall meet the requirements of subsection 62-762.702(6), F.A.C. ~~Testing for piping in contact with soil.~~

TransMontaigne Response: Support revised requirement

~~(a) Small diameter piping shall be tightness tested before being placed back into service whenever dispensers connected to that piping are replaced or whenever the piping has been disconnected and then reconnected.~~

~~(b) Hydrant piping and bulk product piping shall be pressure tested in accordance with paragraph 62-762.641(3)(e), F.A.C., before being placed back into service.~~

~~(5) Bulk product piping extending over surface water shall:~~

~~(a) Be tested annually in accordance with Title 33, Part 156.170, Code of Federal Regulation; and~~

~~(b) Be maintained and operated in accordance with Title 33, Part 154, as applicable.~~

~~(6) Secondary containment systems shall be repaired as necessary to maintain product tightness and containment volume of the system, including sealing cracks in concrete, repairing punctures, and maintaining containment walls. If the storage tank secondary treatment system has a crack, puncture, or other defect that compromises the system's product tightness, the system shall be repaired in accordance with paragraph 62-762.501(1)(e), F.A.C.~~

~~(7) Overfill protection shall be performed in accordance with API RP 2350 and NFPA 30, Section 2-10, for each field erected AST that receives fuel by mainline pipeline or marine vessels.~~

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History-New 6-21-04, Amended _____.

62-762.702 Repairs, Operation and Maintenance of Field Erected Storage Tank Systems.

(1) Repairs.

(a) Repairs shall be performed if any component of a storage tank system has:

- 1. A release or discharge or has contributed to a release or discharge of a regulated substance; or**
- 2. The presence of groundwater in the interstice of an underground double-walled pipe; or**
- 3. An operational or structural problem that could potentially result in a release or discharge, or lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.**

(b) The storage tank system shall immediately cease operating and accepting deliveries, if:

- 1. Repairs are required for any component of a storage tank system; and**
- 2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shutdown of electrical generating units serviced by the storage tank system.**

(c) Repairs shall be made:

- 1. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure or corrosion for the remaining operational life of the storage tank system; and**
- 2. In accordance with manufacturer's specifications and applicable reference requirements.**

(d) Repaired components shall be integrity tested for liquid tightness before being placed back into operation.

(e) Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or repaired. Repairs of pipe sections, sump penetration fittings and pipe fittings shall be made in accordance with applicable requirements in subsections 62-762.502(4) and (5), F.A.C. Replacement of additional lengths of single-walled piping in contact with the soil are exempt from the requirements for secondary containment, provided that:

- 1. The piping system does not have, or will not have to install, secondary containment until the deadlines established in Rule 62-762.502, F.A.C.; and**
- 2. The length of replacement or additional piping is less than 25% of the total length of the existing integral piping for the individual tank, or 100 feet, whichever is more less for each repair event.**

TransMontaigne Response: Support revised requirement

(2) Cathodic and corrosion protection.

(a) Cathodic and corrosion protection systems shall be operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil or within interstitial spaces using vapor corrosion inhibitor technologies.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in SP0169-2007 and External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, SP0285-2011, 2011 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference, and is available from the address given, as applicable. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

2. Storage tank systems equipped with impressed current systems shall be inspected at intervals not exceeding 60 days. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 1440 hours in one year shall be immediately taken out of service and be assessed within 30 days by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria.

If the assessment by the Corrosion Profession demonstrates that there are corrosion rates above the baseline levels of corrosion, the system shall be immediately taken out of service. However, storage tank systems with double-bottoms that are equipped with impressed current systems do not have to be taken out of service or can exceed the non-operative cumulative limit of 1440 hours if a Corrosion Professional tests and evaluates the system and determines that there is no significant increase in the corrosion rate above the baseline levels of corrosion. The

Corrosion Professional must test or evaluate the system every 90 days to monitor the corrosion rates for a time period not to exceed five years, when the tank shall be either taken out of service or the tank is provided with a functional corrosion protection system installed by a Corrosion Professional.

TransMontaigne Response: TransMontaigne takes great care in using the highest quality sand for interstitial use that will minimize active corrosion. This provision will allow an AST owner the ability to keep a tank in service if the corrosion risk is minimal while a strategy or solution is developed to correct the problem. There is still secondary containment to prevent a release.

(c) Records of the continuous operation of impressed current systems and all cathodic protection inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1. Be repaired within 90 days in accordance with paragraph 62-762.702(1)(c), F.A.C., or

2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(3) Vapor Corrosion Inhibitors

(a) Vapor Corrosion Inhibitor systems shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed spaces for storage tank systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year thereafter.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days in and be retested within 90 days from the date of replenishment;

or
2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(4) Operation and maintenance.

(a) Integrity testing

1. The integrity of secondary containment systems and interstitial spaces shall be verified by performing an interstitial or containment integrity test in accordance with API 653. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule:

TransMontaigne Response: Support revised requirement

a. Double-walled storage tanks and below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;

b. Below-grade piping sumps within five years of (effective date of the rule), and every five years thereafter;

c. The interstice of below-grade double-walled integral piping within five years of (effective date of the rule), and every five years thereafter;

d. Spill containment systems that are completely below-grade within one year of (effective date of the rule), and at intervals not exceeding every three thereafter; and

TransMontaigne Response: No objection

e. Below-grade hydrant sumps within one year of (effective date of the rule) and every three years thereafter.

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level four inches above the highest penetration of the side

2 wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level
 4 within 1.5 inches of the top of the bucket, and hydrant sumps which shall be tested by filling the pit with at least four
 6 inches of water above the highest penetration. The secondary containment system shall be deemed tight if the water
 8 level remains stationary for a three hour period.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an
 incident pursuant to Rule 62-762.431, F.A.C.

(b) Water removal.

1. Interstitial spaces and sumps shall be maintained to provide access for examination and water removal.
Water in excess of one inch in depth, or any regulated substances collected in secondary containment or in sumps
shall be removed within 72 hours of discovery and be either reused or properly disposed.

TransMontaigne Response: Support revised requirement

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in
accordance with Chapter 62-740, F.A.C.

(c) Exterior Coatings shall be maintained to prevent corrosion.

(4) Stormwater management for secondary containment systems.

(a) The removal of stormwater from a facility should be performed in accordance with all applicable
Department rules. Owners and operators are advised that other federal, state, or local requirements apply to these
activities.

(b) Accumulated stormwater shall:

1. Be drawn off within one week after a rainfall event unless another frequency is allowed by the facility's
stormwater discharge permit or by another instrument, such as a Spill Prevention Control Countermeasure Plan or a
Department permit; and

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated
substances.

(c) If gravity drain pipes are used to remove water from the dike field areas, all valves shall be kept closed
except when the operator is in the process of draining water.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously
removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., that is designed to
allow filtration of water and prevent discharges of contaminated water.

(5) Evaluation and testing. Tanks shall be evaluated and the re-testing frequency established and implemented
in accordance with API Standard 653. Storage tanks shall be evaluated at the time of installation. Evaluations shall
be certified by a professional engineer licensed in the State of Florida, or approved by an API 653 certified
inspector. Non-destructive testing shall be performed by qualified personnel as specified in API Std 650 and API Std
653. All field-erected tanks shall be repaired in accordance with API Std 653. Field erected tanks with storage
capacities of less than 250,000 gallons may be evaluated in accordance with STI SP001, in lieu of API Standard
653.

(6) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems. Single-walled
metallic bulk product and hydrant piping systems in contact with the soil, excluding those containing high viscosity
substances, shall be evaluated and the re-testing frequency established and implemented in accordance with API
570. Evaluations shall be certified by a professional engineer licensed in the State of Florida or by an API 570
certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API 570. All
single-walled metallic bulk product and hydrant piping systems in contact with the soil shall be repaired in
accordance with API Standard 570.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New _____.

62-762.711 Recordkeeping.

(1) All records shall be dated, maintained in permanent form, and available for inspection by the Department
or County. If records are not kept at the facility, they shall be made available at the facility or another agreed upon
location upon five working days of the Department's request-notice. ~~Site access to the facility shall be provided for~~
~~compliance inspections conducted at reasonable times.~~

(2) Records of the following generated on or after (effective date of rule), are required to be kept for three-two
years.÷ Records of the following generated before (effective date of rule), are required to be kept for two years:

(a) Measurements and reconciliations of inventory, as applicable;

~~(b)~~ Repair, operation, and maintenance records;

~~(b)(c)~~ All ~~r~~Release detection results ~~performed~~, including electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraphs 62-762.601(1)(e), and 62-762.602(1)(e) 62-762.641(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;

~~(c)(d)~~ All test data and results gathered during annual operability tests and integrity tests; and Release detection response level descriptions;

~~(d)(e)~~ Records of the types of fuels stored per tank. A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-762.851, F.A.C.;

~~(f)~~ Certification of Financial Responsibility on Form 62-761.900(3);

~~(g)~~ Records of types of fuels stored per tank; and

~~(h)~~ The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.

(3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:

(a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment; Results of internal inspections and non-destructive testing;

~~(b)~~ Any performance claims for release detection equipment described in writing by the equipment manufacturer or installer;

~~(c)~~ Records of storage tank system installations, replacements, recertifications, and upgrades;

~~(c)(d)~~ Records of installation, maintenance, inspections, and testing of corrosion cathodic-protection systems in accordance with NACE, a corrosion professional or STI standards;

~~(d)(e)~~ Survey drawings as specified in paragraphs 62-762.501(1)(i), and 62-762.502(1)(i), F.A.C. Site suitability determinations in accordance with subsection 62-762.641(2), F.A.C.

TransMontaigne Response: No objection

~~(e)(f)~~ A copy of all INFs, and the results of all incident investigations as specified in Rule 62-762.431, F.A.C.; Vapor monitoring plans and all records kept pursuant to the plan; and

~~(f)(g)~~ A copy of all DRFs; Closure assessment reports if the location continues as a facility.

~~(g)(h)~~ A copy of all documents required in Rules 62-762.801, and 62-762.802, F.A.C., if the location continues as a facility;

~~(h)~~ Results of internal inspections and non-destructive testing;

~~(i)~~ Records documenting compliance with subparagraphs 62-762.501(1)(b)3., and 62-762.502(1)(b)3., F.A.C., for storage tanks systems with secondary containment constructed of concrete installed after (effective date of the rule); and

~~(j)~~ Records to demonstrate insurance as the method of financial responsibility for storage tank systems shall be maintained in permanent form if no contamination has been reported or if no Site Rehabilitation Completion Order (SRCO) has been issued pursuant to Chapter 62-780, F.A.C. Records demonstrating other methods of financial responsibility for storage tank systems shall be maintained for the duration of the effective period of that financial responsibility method.

(4) The Department strongly encourages that all records relating to financial responsibility be maintained permanently.

Rulemaking Specific Authority 376.303, 403.091 FS. Law Implemented 376.303, 403.091 FS. History--New 6-21-04, Amended _____.

62-762.801 Out-of-Service and Closure Requirements for Shop Fabricated Storage Tank Systems.

(1) Temporary out-of-service. Field erected storage tank systems taken temporarily out-of-service shall:

~~(a)~~ Continue to operate and maintain corrosion protection in accordance with paragraph 62-762.701(1)(b), F.A.C.;

~~(b)~~ If the tank system has an external release detection method, perform release detection monthly in accordance with applicable provisions of Rules 62-762.601 .641, F.A.C.; and

~~(c) Leave venting systems open and functioning.~~

~~(2) Out-of-service storage tank systems.~~

~~(a) General.~~

~~1. Storage tank systems that are taken out-of-service, as required in this subsection defined in subsection 62-762.201(53), F.A.C., shall continue to be maintained in accordance with this Rule.~~

~~2. Facility owners and operators of out-of-service storage tank systems shall:~~

~~a. Continue to operate and maintain corrosion protection in accordance with subsection 62-762.701(2) paragraph 62-762.701(1)(b), F.A.C.;~~

~~b. Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-762.641(2), F.A.C.;~~

~~c. Leave vent lines open and functioning;~~

~~cd. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of the regulated substances remains in the storage tank. Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and~~

~~de. Secure or close off the system to outside access.~~

~~2. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.~~

~~3. Release detection device annual operability testing, containment and integrity testing, and annual overflow protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems that have been out-of-service for more than 365 days must be evaluated in accordance with the following prior to being returned to service: Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out-of-service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-762.801(3), F.A.C.~~

~~a. STI SP001 for shop fabricated tanks; and~~

~~b. Integrity tested in accordance with Rule 62-762.701, F.A.C., for integral piping in contact with the soil.~~

~~4. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.801(2)(b), F.A.C. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-762.641(3), F.A.C., as applicable, on any systems being returned to service.~~

~~5.(b) Storage tank systems without secondary containment shall not remain in a continuous out-of-service status for more than five years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.801(2)(b), F.A.C. Before the expiration of this five year time period, any remaining product and sludges shall be removed, and a closure assessment shall be performed in accordance with subsection 62-762.801(4), F.A.C. for:~~

~~1. AST Category A and Category B systems, regardless of when taken out of service, by December 31, 1999;~~

~~or~~

~~2. Systems taken out of service after July 13, 1998.~~

~~(c) Out of service tanks that are returned to service shall be:~~

~~1. Inspected and evaluated in accordance with subparagraph 62-762.501(3)(b)1., F.A.C., for shop-fabricated tanks; or~~

~~2. Structurally evaluated in accordance with API Standard 653 for field erected tanks, unless the system has been out of service for less than six months.~~

~~(d) Field erected tanks changing the type of product stored within the tank shall comply with API Standard 653, Section 2.2.4.~~

~~(2)(3) Closure of storage tank systems.~~

~~(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: General.~~

~~1. A storage tank system that is out-of-service or has not had regulated substances added to or withdrawn from the system for more than: Closure of storage tank systems shall be performed by:~~

~~a. Five years for single-walled storage tank systems; or Removing all liquids and accumulated sludges;~~

~~b. Ten years for storage tank systems with secondary containment. Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~

~~c. Closing the storage tank system in accordance with paragraph 62-762.801(3)(b), F.A.C., as applicable; and~~

~~d. Conducting a closure assessment in accordance with subsection 62-762.801(4), F.A.C.~~

2. A storage tank system that fails to meet or, if required, is not modified to meet the storage tank system requirements of Rule 62-762.501, F.A.C. ~~After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.~~

3. A storage tank system that requires repair pursuant to Rule 62-762.701, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed. ~~Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-762.601(1)(k), F.A.C.~~

(b) Closure of storage tank systems shall be performed by: ~~Unmaintained systems shall be permanently closed within 90 days of discovery.~~

1. Conducting a Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(7), F.A.C., and completing the Closure Integrity Evaluation Report Form 62-761.900(7) (Closure Integrity Report). The form shall be submitted in paper or electronic format to the appropriate County;

2. Removing all liquids and accumulated sludges. The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements.

3. Removing or disconnecting and capping all integral piping;

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with NFPA 30, Chapter 22, *Storage of Liquids in Tanks - Aboveground Storage Tanks*. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks and single-walled integral piping in contact with the soil, an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, 2015 Edition, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, hereby adopted and incorporated by reference and available at the address given in subsection 62-761.211(2)(e), F.A.C.; and

6. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes.

7. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed.

TransMontaigne Response: Support revised requirement

(c) ~~The tank shall be rendered free of pollutant vapors at the time of closure to prevent hazardous explosive conditions, and maintained to prevent future explosive conditions.~~

(d) ~~The tank shall be protected from flotation in accordance with NFPA 30, Section 2-6.~~

(3)(4) Closure Integrity Report, Closure Report, and Limited Closure Report ~~Closure assessment of storage tank systems.~~

(a) Closure Integrity Report. A Closure Integrity Evaluation is not required for shop fabricated tanks and components that are not in contact with soil, however, a visual evaluation of the tank system is required. ~~At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.~~

TransMontaigne Response: Support revised requirement

1. A Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(7), F.A.C., must be performed no more than 45 days prior to closure or replacement for all double-walled storage tanks, double-walled integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil. A Closure Integrity Report must be completed to document the findings of the Closure Integrity Evaluation. ~~If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.~~

2. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled tanks,

integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations. Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

3. A Closure Integrity Evaluation for single-walled piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil requires a hydrostatic test or another test approved by the manufacturer.

4. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

5. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule 62-762.431, F.A.C. If sampling is necessary to determine whether a discharge has occurred, then an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, regardless of the date of installation of the storage tank system or system component being closed.

6. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.801(3)(a)1., F.A.C., before the storage tank system or system component has been removed or closed in place, regardless of the date of installation of the storage tank system or system component, shall conduct an investigation at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement. The Closure Report shall be prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP's "Storage Tank System Closure Assessment Requirements";

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure;

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-762.641(3)(a), F.A.C.;

4. Double-walled shop-fabricated aboveground tanks; and

5. Aboveground systems with storage capacities less than 1,100 gallons that are upgrading with secondary containment, and that are elevated from and not in contact with the soil. Instead of performing a closure assessment, a visual inspection may be performed of the system and the ground surface underneath it for signs of a discharge. Written certification shall be provided to the County within 10 days after installation of the secondary containment, documenting that there has been no discharge.

(c) Limited Closure Report. Form 62-761.900(8), Limited Closure Report Form, hereby adopted and incorporated by reference, shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances: Closure assessment sampling and analysis shall be conducted according to DEP's "Storage Tank System Closure Assessment Requirements."

1. Where a Closure Integrity Evaluation passed,

2. Where a failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur,

3. Where a Closure Integrity Evaluation or Closure Report were not required because the closure only involved a storage tank system or system components that were not in contact with the soil.

To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###.

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-762.801(4)(a), F.A.C. The report shall include sample types, sample locations and

measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP's "Storage Tank System Closure Assessment Requirements."

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended _____.

62-762.802 Out-of-Service and Closure Requirements for Field Erected Storage Tank Systems.

(1) Temporary out-of-service. Field-erected storage tank systems taken temporarily out-of-service are those that are **emptied** solely for the purpose of cleaning, routine maintenance, or change of product for a time period exceeding ninety days, but less than 365 days. These storage tank systems shall:

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(a) Continue to operate and maintain corrosion protection in accordance with subsection 62-762.702(2), F.A.C.:

(b) Perform release detection monthly in accordance with applicable provisions of Rule 62-762.602, F.A.C., if the tank system has an external release detection method;

(c) Leave venting systems open and functioning; and

(d) Be returned to in-service status or be designated as out-of-service within 365 days of being taken temporarily out-of-service.

(2) Out-of-service storage tank systems.

(a) General.

1. Storage tank systems that are taken out-of-service, as required in this subsection, shall continue to be maintained in accordance with this Chapter unless otherwise noted herein.

2. Facility owners and operators of out-of-service storage tank systems shall:

a. Continue to operate and maintain corrosion protection in accordance with subsection 62-762.702(2), F.A.C.:

b. Leave vent lines open and functioning;

c. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of the regulated substances remains in the storage tank; and

d. Secure or close off the system to outside access.

3. Facility owners and operators of out-of-service storage tank systems shall monitor tank bottom release detection **systems or** devices annually but not to exceed 12 months. Records of these inspections shall be maintained in accordance with subsection 62-762.711(2), F.A.C. In the event that there is any positive response of a tank bottom release detection device, an INF must be submitted in writing or electronic format and an investigation as to the cause performed pursuant to Rule 62-762.431, F.A.C.

TransMontaigne Response: Support revised requirement with the inclusion of the highlighted text

4. Release detection device annual operability testing, containment and interstitial integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All afore-mentioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, **before being returned to service**, storage tank systems that have been out-of-service for more than 365 days must be:

TransMontaigne Response: Support revised requirement

a. Structurally evaluated in accordance with API Std 653 for field-erected tanks; and

b. Integrity tested in accordance with Rule 62-762.702, F.A.C., for integral piping.

5. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.802(3)(b), F.A.C.

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6. Storage tank systems without secondary containment shall not remain in a continuous out-of-service status for more than five years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.802(3)(b), F.A.C.

7. Field-erected tanks changing the type of product stored within the tank shall comply with API Standard 653.

(3) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection:

1. A storage tank system that is out-of-service or has not had regulated substances added to or withdrawn from the system for more than:

a. Five years after (effective date of the rule) for single-walled storage tank systems; or

b. Ten years after (effective date of the rule) for storage tank systems with secondary containment.

2. A storage tank system that fails to meet or, if required, is not modified to meet the Storage Tank System requirements of Rule 62-762.502, F.A.C.

3. A storage tank system that requires repair pursuant to Rule 62-762.702, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed.

(b) Closure of storage tank systems shall be performed by:

1. Conducting a Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(8), F.A.C., and completing the Closure Integrity Evaluation Report Form 62-761.900(7) (Closure Integrity Report). The form shall be submitted in paper or electronic format to the appropriate County;

2. Removing all liquids and accumulated sludges. The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements;

3. Removing or disconnecting and capping all integral piping;

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with NFPA 30, Chapter 22, *Storage of Liquids in Tanks - Aboveground Storage Tanks*. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks and single-walled integral piping in contact with the soil, an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*;

~~6. For single-walled integral piping not in contact with the soil, a visual inspection must be performed to determine if any discharges have occurred; and~~ **Suggestion from FCG FPL okay already done**

TransMontaigne Response: strike as redundant with 8. Below.

7. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes.

8. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed.

TransMontaigne Response: Support revised requirement

(4) Closure Integrity Report, Closure Report, and Limited Closure Report.

(a) Closure Integrity Report.

1. A Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(8), F.A.C., must be performed no more than 45 days prior to closure or replacement for all double-walled and double-bottomed storage tanks, double-walled integral piping and hydrant sumps in contact with the soil. Spill containment systems that are completely below-grade also require a Closure Integrity Evaluation. A Closure Integrity Report must be completed to document the findings of the Closure Integrity Evaluation.

TransMontaigne Response: No objection with revision

2. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled and double-bottomed tanks, integral piping and hydrant sumps that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations.

3. A Closure Integrity Evaluation for single-walled hydrant sumps that are in contact with the soil and spill containment systems that are completely below-grade require a hydrostatic test or another test approved by the manufacturer.

4. Storage tank system and system components not in contact with soil do not require a closure integrity evaluation. *Marshall's comment*

TransMontaigne Response: Support revised requirement

5. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

6. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule 62-762.431, F.A.C. If sampling is necessary to determine whether a discharge has occurred, then an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, hereby adopted and incorporated by reference and available at the address given in subsection 62-761.211(2)(e), F.A.C., regardless of the date of installation of the storage tank system or system component being closed.

7. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.802(3)(a)1., F.A.C., before the storage tank system or system component has been removed or closed in-place, regardless of the date of installation of the storage tank system or system component, shall conduct an investigation at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement. The Closure Report shall be prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(c) Limited Closure Report. Form 62-761.900(8), Limited Closure Report Form, hereby adopted and incorporated by reference, shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances:

1. Where a Closure Integrity Evaluation passed.

2. Where a failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur.

3. Where a Closure Integrity Evaluation or Closure Report were not required because the closure only involved a storage tank system or system components that were not in contact with the soil.

To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New _____.

62-762.821 Incident and Discharge Response.

Rulemaking ~~Specific~~ Authority 376.303 FS. Law Implemented 376.303 FS. History–New 6-21-04, ~~Repealed~~ _____.

62-762.851 ~~Alternative Procedures Requirements~~ and Equipment Registration Approvals.

(1) Alternative Procedure requirements.

(a) Any person subject to the provisions of this Chapter may request in writing a determination by the Secretary or the Secretary's designee that any requirement of this Chapter shall not apply to a regulated storage tank system at a facility, and shall request approval of ~~alternative~~ alternate procedures or requirements.

(b) On Form 62-761.900(4), Alternative Requirement or Procedure Form, *(effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of

Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or

www.flrules.org/Gateway/reference.asp?No=Ref-000###, The request shall set forth at a minimum the following information:

1. The specific storage tank system or facility for which an exception is sought;
2. The specific provisions of this Chapter 62-762, F.A.C., from which an exception is sought;
3. The basis for the exception;
4. The alternative procedure or requirement for which approval is sought;
5. Documentation that demonstrates that the alternative procedure or requirement provides an equivalent or greater degree of protection for the lands, surface waters or groundwaters of the State as the specific provisions of this Chapter from which an alternative procedure is sought-established requirement; and
6. Documentation that demonstrates that the alternative procedure or requirement is at least as effective as the established procedure or requirement.
7. If an alternate procedure or requirement is not able to be sought under subparagraph 5. or 6., then documentation that demonstrates that the specific provisions of this Chapter from which the exception is sought imposes regulatory costs on the regulated entity that could be reduced through approval of a less costly regulatory alternative or requirement that provides a substantially equivalent degree of protection for the lands, surface waters, or groundwaters of the State as the established requirement.

(c) The Department shall issue an Order within 60 days of the receipt of a completed Alternative Requirement or Procedure Form either: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(1), F.A.C., are met.

TransMontaigne Response: Support revised requirement

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-761.850(1)(b), F.A.C.; or

2. Denying the request and stating the reason(s) the request does not make an adequate demonstration that the requirements of paragraph 62-762.851(1)(b), F.A.C., have been met.

(d) The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S. The Department's failure to timely issue an Order does not grant or approve the request.

(e) The provisions of this Rule do not preclude the use of any other applicable relief provisions.

(f) Facilities where an alternate procedure was previously approved by the Department may continue to operate using the conditions of the alternate procedure issued by the Department.

TransMontaigne Response: Strongly supports the revised requirement

(2) Registration of storage tank system equipment and release detection systems and methods-Equipment approvals.

(a) Owners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods (including equipment and methods that were previously approved by the Department under the former Equipment Approval process) have been registered with the Department. Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:

(b) Any storage tank system equipment installed after (effective date of the rule) must be registered with the Department in accordance with this section. Upon discovery, non-registered storage tank system equipment installed after (effective date of the rule) must be removed within 90 days, unless registration is obtained and listed within the 90 day time period.

(c) Equipment previously approved by the Department under the former Equipment Approval process and installed prior to (effective date of the rule) can continue to be used regardless of later non-renewal or removal of registration from the list of registered storage tank system equipment, provided the equipment is still operating as designed and installed.

(d) Only the storage tank system equipment as stated in this Chapter shall be registered by the equipment manufacturer using Form 62-761.900(7), Storage Tank Equipment Registration Form, (Equipment Registration

Form) effective date (*effective date of the rule*), hereby adopted and incorporated by reference. Copies of the Equipment Registration Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###. The following storage tank system equipment is exempt from registration:

1. Dispensers, dispenser islands, nozzles, and hoses;
2. ~~Monitoring well bailers;~~
3. Manhole and fillbox covers;
4. Valves;
5. Cathodic protection test stations;
6. Metallic ~~bulk product~~ piping;
7. Small diameter piping not in contact with soil, unless the piping extends over or into surface waters;
8. Vent lines; ~~and~~
9. AST vents; ~~and~~
10. Gauges used for vacuum and pressure monitoring.

TransMontaigne Response: Either exempt all or include all Leaving as is

~~(e)(b)~~ Equipment registration ~~Equipment approval~~ requests shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will ~~provide equivalent protection or~~ meet the appropriate performance requirements ~~standards~~ contained in this Chapter. Any approvals or denials received from other states or countries shall be included in the registration ~~approval~~ request to the Department.

~~(f)(e)~~ A third-party demonstration by a Nationally Recognized Testing Laboratory shall be submitted in writing or electronic format to the Department with the application. The third-party demonstration shall provide:

1. A technical evaluation of the equipment;
2. Test results that verify that the equipment will function as designed; and
3. A professional certification or determination that the equipment meets the performance requirements ~~standards~~ contained in this Chapter; Rule 62-762.501, F.A.C.
4. Integrity test requirements and procedures; and
5. Annual operability testing procedures for the equipment or release detection system or method.

~~(g)(d)~~ Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection prior to being used. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(2), F.A.C., are met.

~~(h)(e)~~ The storage tank system equipment and release detection systems and methods registered with the Department under this subsection must be renewed every five years. Failure to renew will result in removal from the equipment registration list. Any changes, improvements, or modifications to equipment beyond the scope of the original demonstration by the Nationally Recognized Testing Laboratory will require a renewal of the registration and a new demonstration from a Nationally Recognized Testing Laboratory pursuant to paragraph 62-762.851(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) The Department shall only place conditions upon the use of the storage tank system equipment and release detection systems and methods, remove equipment or methods from the list of registered storage tank system equipment, or not renew registration if the information submitted to the Department is not in accordance with this subsection or if the equipment does not perform in field application as certified in the third party certification by a Nationally Recognized Testing Laboratory.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended _____.

62-762.891 Mineral Acid Storage Tank Requirements.

The purpose of this Rule is to minimize the occurrence and environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid if at least 20% by weight of the solution is one of the five listed acids. Mineral acid storage tank systems are only subject to Rule 62-762.891, F.A.C.

(1) Definitions. All words and phrases defined in Section 376.321, F.S., shall have the same meaning when

used in this Rule unless specifically stated otherwise in this Rule. See Section 376.321, F.S., for the definition of the following terms: “Aboveground,” “Mineral Acids,” “Nonresidential,” “Operator,” “Owner,” and “Permitted wastewater treatment system.” The following words, phrases, or terms used in this Rule, unless the context indicates otherwise, shall have the following meaning:

(a) ~~“Aboveground” means that more than 90 percent of a tank volume is not buried below the ground surface. An aboveground tank may either be in contact with or elevated above the ground.~~

(b) “Containment and integrity plan” or “CIP” means a document designed, created, and maintained at a facility, which shall be considered a public record and made available pursuant to the provisions of Chapter 119, F.S. The CIP establishes procedures for the inspection and maintenance program for tanks storing mineral acids at that facility. The inspection and maintenance program shall be designed for the chemical and physical characteristics of the specific mineral acid stored, and for the specific materials of construction of the tank. The CIP shall be designed to ensure control of the specific mineral acid for the expected lifetime of the tank. Form 62-762.891(1) Containment and Integrity Plan Certification Form, effective date, (effective date of the rule), is hereby adopted and incorporated by reference, and copies are available from the Division of Waste Management, Department of Environmental Protection, M.S. 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###.

(b) “County” means a locally administered governmental program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

(c) “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any mineral acid which occurs and which affects lands and the surface and ground waters of the state.

(d) “Discovery” means, as related to a discharge, initial detection of mineral acids in ground water or surface water, or the initial detection of soil contamination, resulting from the discharge of mineral acids in quantities greater than the amounts reportable in this Rule Rule 62-762.891, F.A.C.

(e) “Existing storage tank” means a tank that was installed on or before January 7, 1992. ~~Installation is considered to have begun if:~~

1. ~~The owner or operator has obtained, or has applied for, all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank; and~~

2. ~~Either a continuous on site physical construction or installation program has begun or the owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial economic loss.~~

(f) “Facility” means any non-residential location or part thereof containing an aboveground tank or tanks that contain specified mineral acids that have an individual storage capacity greater than 110 gallons.

(g) “Flow-through process tank” means an aboveground tank that contains hazardous substances or specified mineral acids and that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include, but are not limited to, seal tanks, vapor recovery units, surge tanks, blend tanks, feed tanks, check and delay tanks, batch tanks, oil-water separators, or tanks in which mechanical, physical, or chemical change of a material is accomplished.

(h) “Inspection and maintenance plan” means a plan that establishes the procedures used to prevent releases of mineral acids.

(i) “Liner” means an artificially constructed material of sufficient thickness, density, and composition that will contain the discharge of any specified mineral acid from an aboveground tank until such time as the mineral acid can be neutralized and/or removed. The liner shall prevent any escape of specified mineral acids or accumulated liquid to the soil, surface water, or groundwater (except through secondary containment as provided in paragraph 62-762.891(1)(k)(p), F.A.C.).

(j) ~~“Mineral acids” means hydrobromic acid (HBr), hydrochloric acid (HCl), hydrofluoric acid (HF), phosphoric acid (H₃PO₄), and sulfuric acid (H₂SO₄), including those five acids in solution, if at least 20% by weight of the solution is one of the five listed acids.~~

(j) ~~“New tank” means a tank that was installed after January 7, 1992.~~

(l) ~~“Non residential” means that the tank is not used at a private dwelling.~~

(m) ~~“Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.~~

(n) ~~“Owner” means any person owning an aboveground tank subject to Sections 376.320-.326, F.S.~~

(o) ~~“Permitted wastewater treatment system” means a facility to which the Department has issued a permit to treat wastewater and release the treated product into the environment.~~

(k) ~~(p)~~ “Secondary containment” means a system that is used for discharge-release prevention, and may

include one or more of the following devices:

1. A double-walled tank;
 2. An external liner placed under and around each tank, sealed to its supports, and either designed and built to contain a minimum of 110% of the capacity of the largest tank within the containment; or equipped with a drainage system routed to a permitted wastewater treatment system or plant recirculating process system that is capable of containing any accidental release from the tank; or

3. A system or structure constructed such that accidental releases from a tank would be collected by a drainage system within the system or structure and routed to a permitted wastewater treatment system; or plant recirculating process system, or alternative containment system registered with approved by the Department in accordance with Rule 62-762.851, F.A.C.

~~(l)(+)~~ “Stationary” means a tank or tanks not meant for multiple site use or that remain in one location at the facility site for a period of 180 days or longer.

~~(m)(+)~~ “Tank” means an aboveground stationary device that is constructed primarily of non-earthen materials (e.g., concrete, metal, plastic, glass) that provides structural support and is designed primarily to contain mineral acids. Connected piping from the tank to and including the nearest cutoff valve shall be considered part of the tank for purposes of this definition. “Tank” does not include flow-through process tanks.

~~(n)(+)~~ “Upgrade” means the replacement of a tank or the installation of secondary containment.

(2) Applicability.

(a) The requirements of this ~~R~~ule apply to owners and operators of a facility with an aboveground-storage tank with a storage capacity of more than 110 gallons that contains mineral acids.

(b) The following systems are exempt from the requirements of this ~~R~~ule:

1. Any mobile or skid tank that is moved at least every 180 days;
2. Any tank containing mineral acids that are less than 20% by weight of the solution;
3. Any tank of 110 gallons or less capacity that contains mineral acids;
4. Any flow-through process tank; ~~and~~
5. Any tank that is located in a completely enclosed building where a release of mineral acid would be contained within the building and not result in a discharge; and

6. Any tank containing mineral acids that are regulated as hazardous wastes under Subtitle C of the Resource Conservation and Recovery Act.

(3) Registration.

(a) The owner of any tank containing mineral acids, that was not previously registered, shall register the tank within 10 days of its discovery with the Department on Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, (effective date of the rule), hereby adopted and incorporated by reference.

(b) For tank installations, a A-completed R-registration F-form shall be submitted in electronic or paper format to the Department by July 1, 1992, or no later than 30 days after mineral acids are put into a new storage tank previously unregistered. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldepportal.com/go/submit-registration/>, or the form can be obtained at www.flrules.org/Gateway/reference.asp?No=Ref-00###.

(c) For change in service status or closure pursuant to Rule 62-762.801, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department and filed with records maintained in accordance with Rule 62-762.891, F.A.C.

(d) A completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days of the following changes or discovery:

1. Any change in the owner or operator of a facility or of a tank;
2. Any change or correction in the information reported in the Registration Form;

(4) Registration fees.

(a) Registration fees are due from the owner or operator for all registered tanks as indicated in this subsection.

(b) Registration fee schedule.

1. Within 30 days after receipt of notification by the Department, the following fees shall be submitted:

- a. \$50.00 per tank for each initial registration;
- b. \$25.00 per tank for annual renewal of tanks with capacities of 125,000 gallons or less; and
- c. One dollar per every 5,000 gallons of storage capacity, per tank, for annual renewal of tanks with capacities of greater than 125,000 gallons.

2. Total annual registration fees for renewals shall not exceed \$2,500.00 per facility.

DRAFT

(c) Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department or County and filed with records maintained in accordance with this section.

(5) Notification.

(a) The Department shall be notified of the following items in writing or electronic format on Registration Form 62-761.900(2):

1. The date and method of closure within 10 days of tank closure;
2. For a change in service status, within 30 days;
3. Any change in the owner or operator of a facility or of a tank, within 30 days;
4. Any change or correction in the information reported in the Registration Form, within 30 days;
5. A permanent change from a mineral acid to a substance that is not a mineral acid, within 30 days;
6. The discovery of an unregistered tank, within 30 days;
7. Upgrading a tank, at least 10 days prior to the upgrade; and
8. Emergency replacements required by an actual or anticipated discharge. Notification of emergency replacement shall be provided within 10 days.

(b) The Department shall be notified of the certification or recertification of the CIP or the secondary containment system on Form 62-762.891(1) in writing or electronic format within 10 days of the completion of the form. The form shall be signed by a professional engineer licensed in the State of Florida. ~~following items on Form 62-761.900(2):~~

1. ~~The date and method of closure, at least 30 days before closure of a tank;~~
2. ~~Any change in ownership of a tank, no later than 30 days after ownership has been transferred. The notice of change of ownership shall be provided by the transferor. The notice shall include a copy of the bill of sale or a letter of acceptance by the new owner;~~
3. ~~Upgrading of a tank, at least 10 days before upgrading occurs, except for emergency replacements of tanks or connected piping required by an actual or anticipated discharge. Notification of emergency replacement shall be provided within 10 days after the emergency replacement.~~
4. ~~Any change in registration form information, including any change in the identity of the material being stored.~~

(c) ~~Notification of incidents. Within 72 hours or close of the County's next business day~~ ~~three working days of discovery, the County Department~~ shall be notified in writing or electronic format of any release into a secondary containment system of a mineral acid in excess of 110 gallons, or the reportable quantity in effect on July 1, 1991, under the Comprehensive Environmental Response Compensation and Liability Act of 1980, whichever is greater. ~~The Department shall be notified of the certification of the CIP or the secondary containment system on Form 62-762.891(1) within 10 days of the completion of the form. The Containment and Integrity Plan Certification Form shall be signed by a professional engineer registered in the State of Florida.~~

~~(c)(6)~~ Notification Reporting of discharges. Within 24 hours of discovery, or before the close of the County's next business day, Form 62-761.900(1) shall be used to report any discharge in writing or electronic format to the County exceeding:

1. ~~(a)~~ 100 pounds of hydrobromic or hydrofluoric acid;
 2. ~~(b)~~ 1000 pounds of sulfuric acid; or
 3. ~~(c)~~ 5000 pounds of hydrochloric or phosphoric acid.
- ~~(6)(7)~~ Performance requirements ~~standards~~ for mineral acid tanks.

(a) General.

1. Existing ~~tanks mineral acid storage facilities that were in operation after January 1, 1992,~~ shall either be covered under ~~have either a CIP or have secondary containment.~~

2. New ~~tanks or replacement mineral acid tanks installed after July 1, 1992,~~ shall have secondary containment.

(b) Secondary Containment.

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tank or tanks have secondary containment.

2. Secondary containment shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new tank is added to a facility or if there is a structural change to the containment. Secondary Containment does not need to be reviewed and updated for tanks where there has been no structural change to the containment.

3. Secondary containment shall be properly maintained. Any cracks, degradation, punctures, or other similar defects to the integrity of the secondary containment shall be repaired. If repairs cannot be made to ensure the tank's

original integrity, the tank shall be emptied.

~~(c)(b)~~ Containment and Integrity Plans. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed and updated at least every two years by a professional engineer registered in the State of Florida. The CIP shall be made available for inspection by the Department, and shall address:

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance.

2. A CIP shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new mineral acid tank is added to a facility or if there is a structural change to the containment.

3. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed, updated, and recertified on Form 62-762.891(1) at least every two years by a professional engineer licensed in the State of Florida. The CIP shall be made available for inspection by the Department, and shall address:

~~a1.~~ An inspection and maintenance program detailing: the qualifications of the person providing the inspection, the inspection and routine maintenance procedures, schedules used to evaluate and maintain the integrity of the tank, release detection procedures, and frequency of inspections and proper response to inspection findings.

~~a.~~ The qualifications of the person providing the inspection;

~~b.~~ The inspection and routine maintenance procedures;

~~c.~~ Schedules used to evaluate and maintain the integrity of the tank, and secondary containment (if applicable);

~~d.~~ Release detection procedures; and

~~e.~~ Frequency of inspections and proper response to inspection findings.

~~b2.~~ Materials of construction for each tank and compatibility of the mineral acid with the construction materials;

~~3.~~ Secondary containment of tanks, if applicable;

~~c4.~~ Location of surface water bodies near the tank and the potential for discharges to enter the surface water body or to move off-site;

~~d5.~~ Discharge response procedures for containment and abatement;

~~e6.~~ Cleanup procedures; and

~~7.~~ For tanks without secondary containment, the CIP shall also address:

~~fa.~~ Procedures and equipment for treating spill wastes;

~~gb.~~ Procedures for disposing of spill wastes;

~~he.~~ Containment and diversionary structures to prevent discharges from entering the nearby surface water bodies or moving off-site; and

~~id.~~ A demonstration of corrosion protection of the tank if the tanks ~~is~~ are in contact with the soil.

~~(c)~~ Containment and Integrity Plan alternatives. In place of the CIP, a certification may be provided to the Department by a professional engineer registered in the State of Florida that:

1. No mineral acid tank at the facility is in direct contact with the ground; and

2. A secondary containment system has been placed under and around each tank, and sealed to its supports. Secondary containment shall be either:

~~a.~~ Designed and built to contain in excess of 110% of the capacity of the largest tank within the containment;

~~or~~ b. Equipped with a drainage system routed to a permitted wastewater treatment system that is capable of containing any accidental release from the tank.

~~(d)~~ Secondary containment. Tanks installed after July 1, 1992, shall have secondary containment and meet the requirements of this section before the tank is placed into active service. Liners used for secondary containment that are installed after July 13, 1998 shall meet the requirements of subparagraphs 62-762.501(1)(c)1., 3., F.A.C.

~~(e)~~ Certification. A professional engineer registered in the State of Florida shall certify that:

1. The tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance; or

2. The tank or tanks have secondary containment in accordance with this subsection.

~~(7)(8)~~ Recordkeeping. Copies of the following records, as applicable, shall be dated, maintained in

DRAFT

permanent form until tank closure, and made available for inspection by the Department or County, at reasonable times. If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon five working days of the Department's request.

(a) The current CIP Containment and Integrity Plan along with an up-to-date Form 62-762.891(1); or

(b) The current certification of secondary containment on Form 62-762.891(1); and

(c) A copy of all DRFs.

(8)(9) Discharge response.

(a) When evidence of a discharge from a tank is discovered and reported in accordance with paragraph subsection 62-762.891(7)(d) 62-762.891(6), F.A.C., the owner or operator shall:

1. Remove as much of the mineral acid from the tank as necessary to prevent further discharge;

2. Repair the tank in accordance with original design specifications; and

3. If the storage tank cannot be repaired, all mineral acid shall be removed from the tank and the tank shall be permanently closed.

(b) Any owner or operator of a facility discharging mineral acids shall immediately undertake to contain, remove, neutralize, or otherwise abate the discharge under all applicable department Rules, for example Chapter 62-780, F.A.C.

(9)(10) Forms. The following forms are used by the Division of Waste Management for mineral acid tanks and are adopted and incorporated by reference in this section. The forms are listed by form number, subject title and effective date. Copies of forms are available by writing to the Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500, Tallahassee, Florida 32399-2400, or online at: www.flrules.org/Gateway/reference.asp?No=Ref-000###, or for electronic submittal of the Registration Form go to <http://www.fldepportal.com/go/submit-registration/>. Copies of forms may be obtained by writing to the Administrator, Storage Tank Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The following forms shall be used for mineral acid tanks:

(a) Form 62-761.900(1) Discharge Report Form, (effective date of the rule) Discharge Report Form 62-761.900(1), July 13, 1998.

(b) Form 62-761.900(2) Storage Tank Facility Registration Form, (effective date of the rule) Storage Tank Facility Registration Form 62-761.900(2), July 13, 1998.

(c) Form 62-762.891(1) Containment and Integrity Plan Certification Form, July 13, 1998 Containment and Integrity Plan Certification Form 62-762.891(1), July 13, 1998.

Rulmaking Specific Authority 376.322(3), 403.087 FS. Law Implemented 376.321, 376.324, 376.325, 403.087 FS. History-New 6-21-04, Amended

Email Comment From Gene Schober – Modern Welding

I was looking for the section that got to the supposedly new test requirements for AG tanks, or did we just submit to STI spoo1 which throws all types of tanks in the same category of frequency of testing requirements. I would like to see the same thing as all of the inspection people that I have talked to would also like to see. If a tank does not have a completely viewable secondary, such as a rectangular, sub base or vertical flat bottom tank all unless they are lifted up on something that would allow for complete inspection and maintenance of the secondary or primary tank (if single wall). Should have a testing requirement that increases with age and be more frequent than a cylindrical tank or a tank that set up significantly to allow for maintenance and inspection completely. I personally have changed out a tank that was listed as double wall that was a sub base style tank that the secondary was no longer a containment but had rusted through and was then a single wall tank but without testing would stay a single wall tank until the primary tank finally gives out and fuel runs on the ground because the secondary no longer has an integrity.

CHAPTER 62-762
ABOVEGROUND STORAGE TANK SYSTEMS

- 62-762.101 Intent
- 62-762.201 Definitions
- 62-762.211 Reference Guidelines ~~Standards~~
- 62-762.301 Applicability
- 62-762.401 Facility Registration and Financial Responsibility
- 62-762.411 Notification
- 62-762.421 Financial Responsibility
- 62-762.431 Incidents
- 62-762.441 Discharges
- 62-762.451 Notification and Reporting
- 62-762.501 Storage Tank System Requirements for Shop Fabricated ~~Performance Standards for Category-C~~
- 62-762.502 Storage Tank System Requirements for Field Erected Storage Tanks
- 62-762.511 ~~Performance Standards for Category-A and Category-B Storage Tank Systems~~
- 62-762.601 Release Detection Requirements for Shop Fabricated Storage Tanks ~~Standards~~
- 62-762.602 Release Detection Requirements for Field Erected Storage Tanks
- 62-762.611 Release Detection Methods
- 62-762.641 Performance Standards for Release Detection Methods
- 62-762.701 Repairs, Operation and Maintenance of Shop Fabricated Storage Tanks ~~Systems~~
- 62-762.702 Repairs, Operation and Maintenance of Field Erected Storage Tanks
- 62-762.711 Recordkeeping
- 62-762.801 Out-of-Service and Closure Requirements for Shop Fabricated Storage Tanks
- 62-762.802 Out-of-Service and Closure Requirements for Field Erected Storage Tanks
- 62-762.821 Incident and Discharge Response
- 62-762.851 Alternative Procedures ~~Requirements~~ and Equipment Registration ~~Approvals~~
- 62-762.891 Mineral Acid Storage Tank Requirements

62-762.101 Intent.

(1) ~~Except for aboveground mineral acid storage tank systems, the purpose of this Chapter is to provide requirements standards for the registration, construction, installation, operation, maintenance, repair, closure, and disposal of aboveground storage tank systems that store regulated substances, and in order to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for aboveground storage tank systems having individual storage tank capacities greater than 550 gallons.~~

(2) For mineral acid storage tank systems, the purpose of this Chapter is to minimize the occurrence and environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid. Mineral acid storage tank systems are only subject to Rule 62-762.891, Florida Administrative Code (F.A.C.).

(3) For compression vessels and aboveground hazardous substance storage tank systems with individual capacities greater than 110 gallons, ~~The purpose of this Chapter is to establish a registration program for compression vessels and aboveground hazardous substance storage tank systems with individual capacities greater than 110 gallons.~~ These systems are only subject to Rule subsections 62-762.401(1)-(2), F.A.C.

(4) This Chapter implements the requirements of Chapter 376, Florida Statutes (F.S.). Final agency action related to the functions that may be carried out by a locally administered program (County) under contract with the Department pursuant to Section 376.3073, F.S., shall be taken by the Department.

(5) Site access to the facility, subject to safety considerations, shall be provided for compliance inspections conducted at reasonable times and with notice by phone or email. The facility owner or operator shall provide an authorized facility representative to safely access storage tank system components for inspection purposes and demonstrate operational functionality of electronic equipment.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.3073, 376.322(3) FS. History--New 6-21-04, Amended _____.

62-762.201 Definitions.

All words and phrases defined in Sections 376.031, 376.301 and 376.79, F.S., shall have the same meaning when used in this Chapter unless specifically stated otherwise in this Chapter. See Sections 376.031, 376.301 and 376.79, F.S., for definitions of the following terms: "Bulk product facility," "Compression vessel," "Contaminant (contamination shall mean the same as contaminant)," "Contaminated site," "Department," "Discharge," "Facility," "Flow-through process tank," "Hazardous substances," "Operator," "Owner," "Petroleum product," "Pollutants," "Transfer" or "Transferred," and "Vessel." The following words, and phrases or terms used in this Chapter shall, unless the context indicates otherwise, shall have the following meaning:

(1) "Airport or seaport hydrant piping" means the pressurized integral piping system, including hydrant pits, associated with petroleum storage tank systems serving airports, seaports, or military bases.

(2) "Ammonia" includes organic amines and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, release free ammonia (NH_3), or ammonium ion (NH_4^+).

(3) "AST" means an aboveground storage tank.

(4) "AST Category-A system" means a system that was installed on or before March 12, 1991.

(5) "AST Category-B system" means a system that was installed after March 12, 1991, and before July 13, 1998.

(6) "AST Category-C system" means a system that was installed on or after July 13, 1998. ASTs that are removed and relocated after July 13, 1998 are considered Category-C systems.

(3) "Biofuel" means fuel produced from renewable resources, especially, but not limited to, organic feedstocks such as plant biomass, vegetable oils, animal fats and treated municipal and industrial wastes.

(7) "Bulk product facility" means a waterfront location with at least one aboveground tank with a capacity greater than 30,000 gallons that is used for the storage of pollutants.

(4)(8) "Bulk product piping" means on-site integral piping with an internal diameter greater than three inches that:

(a) Originates at the first stationary or landward valve from a vessel loading or unloading area, and that delivers regulated substances up to and including the first valve within the dike field area of a bulk product facility; or

(b) Is utilized for transporting regulated substances.

(5)(9) "Cathodic protection" means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.

(6)(10) "Cathodic Protection Tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems and be certified as a NACE or STI cathodic protection tester.

(7)(14) "Chlorine" includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl_2) or chlorides (Cl^-).

(8) "Closure Integrity Evaluation for shop fabricated storage tank systems" is an assessment of shop fabricated storage tank system integrity for storage tanks, integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled piping sump, dispenser sump, or spill containment system.

(9) "Closure Integrity Evaluation for field erected storage tank systems" is an assessment of field erected storage tank system integrity for storage tanks, integral piping, hydrant sumps, and containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled hydrant sump or containment system. **Removed "Spill" from containment for FE**

(10) "Closure Integrity Report" means Closure Integrity Evaluation Report Form 62-761.900(7).

(11) "Closure Report" is a report prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(12) "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the storage tank system under conditions likely to be encountered in the storage tank system.

Commented [RV1]: Has there been any discussions about synthetic biofuels being included in the definition?

Commented [RV2]: Terminal personnel can do the reading for record keeping purposes. The actual annual survey needs to be done by the Professional or a Tester?

Commented [RV3]: Is this document finalized and available yet?

Master Draft Oct2015

(13)“Compression vessel” means any stationary aboveground container, tank, or on-site integral piping system, or combination thereof, that has a capacity of greater than 110 gallons and that is primarily used to store pollutants or hazardous substances above atmospheric pressure or at a reduced temperature in order to lower the vapor pressure of the contents. Manifold compression vessels that function as a single vessel shall be considered as one vessel.

(13)“Containment” means a sufficiently impervious structure, release prevention barrier, or device designed to prevent the discharge of regulated substances in the event of a release.

(14)“Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities that result in exceedances of applicable cleanup target levels in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, 62-520, or 62-550, F.A.C.

(14)(15) “Corrosion professional” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as either a Corrosion Specialist or a Cathodic Protection Specialist, or be a professional engineer licensed registered in the State of Florida. Corrosion professionals using vapor corrosion inhibitor technologies for corrosion control must have experience with and knowledge of vapor corrosion inhibitors. Vapor corrosion inhibitors must be registered in accordance with Rule 62-762.851(2), F.A.C. Installers of vapor corrosion inhibitors must have certification from the VCI equipment registration holder.

(15)“Corrosion Protection” means the minimization of corrosion by the use of cathodic protection or vapor corrosion inhibitors.

(16)“County” means a locally administered governmental program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

(17)“Cut and cover tank” means a tank that is constructed with steel or reinforced concrete that is surrounded by soil above the natural surface of the ground.

(17)“Day tank” means a shop fabricated storage tank with a capacity of less than or equal to 550 gallons, connected to a regulated tank by way of integral piping, that contains the amount of fuel commonly used in a 24-hour period.

(18)“Dike field area” means the area around the tank or tanks that extends from the circumference of the base of a storage tank AST to the top of the berm, dike, or retaining wall surrounding the tank.

(19)“Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.

(20)“Discovery” means:

- (a) either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of a previously unreported incident, release, or discharge, or an unmaintained storage tank system; or
- (b) Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(7), F.A.C.

(20)(21) “Dispenser” means a dispensing system that is used to transfer regulated substances vehicular fuel from a fixed point to a vehicle or portable container.

(22)“Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(21)“Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(23)“Dispensing system” or “Dispenser” means equipment that is used to transfer pollutants regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.

(22) “Docklines” are pipelines originating at the first shore side valve after the marine transfer area, as determined by the U.S. Coast Guard Captain of the Port, and terminating at the first valve inside the dike field area or other approved containment within a bulk product facility.

(23)(24) “Double-bottomed” means a storage tank AST that has secondary containment in the form of an outer tank bottom having an enclosed interstitial space between the primary tank bottom and the secondary outer tank bottom.

(24)(25) “Double-walled” means a storage tank system or system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.

Master Draft Oct2015

(25) “DRF” means Discharge Report Form 62-761.900(1).

(26) “Empty” means all regulated substances have been removed so that no more than one inch in depth or 0.3 percent by weight of total system capacity of regulated substances remains in the storage tank system.

(27) “Existing contamination” means:

(a) The presence of free product or sheen on the groundwater;

(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:

1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or

2. 50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;

(c) Results of analytical tests on a groundwater sample that:

1. Exceed the cleanup target levels for petroleum products’ chemicals of concern specified in Table V of

Chapter 62-770, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph (c)1. above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph (c)1. above; or

(d) After July 13, 1998, results of analytical tests on a soil sample that:

1. Exceed the lower of direct exposure I and leachability Table V cleanup target levels for petroleum products’ chemicals of concern listed in Table IV of Chapter 62-770, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph (d)1. above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph (d)1. above.

(28) “Facility” means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 550 gallons for AST systems.

(27)(29) “Field erected storage tank” means a storage tank an AST that is constructed by assembling it on-site at the facility.

(30) “Flow-through process tank” is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include tanks associated with vapor recovery units and oil-water separators. Flow-through process tanks do not include storage tanks used for the storage of regulated substances before their introduction into the production process or for the storage of finished products or by-products from the production process.

(28)(31) “Free product” means the presence of a regulated substance in the environment in excess of 0.01 foot in thickness, measured at its thickest point in a nonaqueous phase, floating on water, surface water or groundwater.

(32) “Hazardous substances” means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(33) “Heating oil” means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.

(29)(34) “High viscosity product” means a regulated substance pollutant with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade, such as American Society for Testing and Materials (ASTM) grades 5 and 6 residual oils, intermediate fuel oils, or Bunker C fuel.

(30) “Hydrant piping” means a continuously pressurized integral bulk product piping system with hydrant pits used for distributing product.

(31) “Hydrant Sumps” or “Hydrant Pits” means any secondary containment system associated with hydrant piping, including hydrant pits, isolation valve pits, valve access pits, and control pits but excludes double-walled piping.

(35) “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed-loop mechanical system used to operate lifts, elevators, and other similar devices.

(32)(36) “Hydrostatic test” means a containment integrity test for a storage tank system or storage tank system component that is performed in accordance with this Chapter using equilibrium and the pressure of liquids to test the integrity of the tank or system component.

(33)(37) “Impervious” means:

(a) A synthetic material or another material registered approved in accordance with subsection 62-762.851(2), F.A.C., that is compatible with the stored regulated substance, and has a permeability rate to the regulated substance stored of 1×10^{-7} cm/sec or less; or

(b) For concrete structures, a material that:

Commented [RV4]:

1. Meets the design and construction standards of *Design Considerations for Environmental Engineering Concrete Structures*, ACI 350.4R-04, 2004 Edition and *Control of Cracking in Concrete Structures*, ACI 224R-01, (Reapproved 2008), hereby adopted and incorporated by reference. To obtain this reference see paragraph 62-761.211(2)(a), F.A.C., ACI 350R-89 and ACI 224R-89; or

2. Is applied to the concrete in accordance with *Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment*, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997, hereby adopted and incorporated by reference, and available at the addresses given. To obtain this reference see paragraph 62-761.211(2)(k), F.A.C., NACE International Standard RP0892-92.

(34)(38) "In contact with the soil" means any portion of a storage tank system, that physically touches the soil or if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious integral piping connected to ASTs or any portion of a tank, that:

(a) Physically touches the soil; or

(b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.

(c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.

(35)(39) "Incident" is a condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component.

(36)(40) "Industrial occupancy building" is an enclosed structure that contains a storage tankAST system that is used in association with an industrial or manufacturing process, or for electric power generating utilities, provided that the building was constructed and is used primarily for industrial, manufacturing, or electric power generating purposes, and not solely for the purpose of storing regulated substances. An industrial occupancy building is a structure that has an impervious floor (without valves, drains, or other openings) that would-prevents permit regulated substances from being pollutants to be discharged. Industrial occupancy buildings constructed between July 13, 1998, and (effective date of the rule), must meet the applicable regulatory requirements in effect at that time. Industrial occupancy buildings constructed after (effective date of the rule)July 13, 1998, must:

(a) Be constructed in accordance with *Flammable and Combustible Liquids Code, Storage Tank Buildings*, NFPA 30, Chapter 24, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, hereby adopted and incorporated by reference and available from the address given-NFPA 30, Section 2-5, Installation of Tanks Inside of Buildings, and Section 5-3, Facility Design;

(b) Have at least Type II construction in accordance with *Standard on Types of Building Construction*, NFPA 220, 2015 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, hereby adopted and incorporated by reference and available from the address given-NFPA 220, Chapter 3;

(c) Be ventilated in accordance with *Standard on Explosion Protection by Deflagration Venting*, NFPA 68, 2013 Edition; and *Standard on Explosion Prevention Systems*, NFPA 69, 2014 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, hereby adopted and incorporated by reference and available at the address given-NFPA 68 and 69; and

(d) Be verified as meeting the above construction requirements by either a registered architect or a professional engineer licensed registered in the State of Florida

(37) "INF" means Incident Notification Form 62-761.900(6).

(38)(41) "In-service" means a storage tank system where the owner or operator has not reported to the Department pursuant to paragraph 62-762.401(2)(a), F.A.C., that the tank is out-of-service pursuant to subsection 62-762.801(1), or 62-762.802(2), F.A.C., or temporary out-of-service pursuant to subsection 62-762.802(1), F.A.C. that is being actively maintained and operated in accordance with this chapter. Non-compliance with any specific rule within this chapter does not exclude the system from being considered "in-service." Subject to the above, a storage tank system is also considered to be in-service if it:

(a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;

(b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or

(c) Contains non-regulated substances and is still maintained in an in-service status at the request of the owner or operator.

(39)(42) "Integral piping" means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Vapor recovery lines, pipeline facilities, and vent lines are not considered integral piping. Integral piping is not considered on-site if the piping crosses state boundaries, or two or more

~~county boundaries.~~ Integral piping includes all valves, elbows, joints, flanges, pumps, and flexible connectors, associated with the pipe originating at the storage tank up to the:

- (a) Union of the integral piping with the ~~dispenser dispensing system~~;
- (b) Fill cap or fill valve;
- (c) Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; ~~or~~
- (d) First flange or connection within the loading rack containment area;
- (e) First valve inside the dike field area or the containment at bulk product facilities;
- (f) Marine transfer area if the bulk product facility is under the same ownership as the marine transfer area;
- (g) First shoreside valve after the marine transfer area for on-site piping at bulk product facilities;
- (h) Valve or manifold adjacent to a double-walled storage tank at a bulk product facility; ~~or~~
- (i) Valve or manifold adjacent to a storage tank containing high viscosity product at a bulk product facility.

(40) "Integrity test" means a determination of the liquid tightness of a storage tank system component using one of the following types of tests:

(a) "Interstitial integrity test" means an evaluation of a storage tank system component with an interstitial space using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by a Nationally Recognized Testing Laboratory;

(b) "Primary integrity test" means an evaluation of the liquid tightness of the primary tank or integral piping;

~~or~~ (c) "Containment integrity test" means an evaluation of the liquid tightness of hydrant pits, isolation valve pits, and other containment systems.

(41) "Interstice" means the space between the primary and secondary wall of a storage tank system or system component.

(43) "Internal lining" means a material that is applied internally on AST bottoms or USTs to protect the tank from internal corrosion.

(42)(44) "Interstitial monitoring" is a method of release detection in which the area between the primary and secondary wall of a storage tank or storage tank system component is monitored for signs of release. detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:

(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or

(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.

(43) "Limited Closure Report" means Limited Closure Report Form 62-761.900(8).

(44)(45) "Liner" means an impervious material that meets the performance requirements standards of subparagraph 62-762.501(1)(b)2., or 62-762.502(1)(b)2. paragraph 62-762.501(1)(e), F.A.C., that is used externally as a method of secondary containment.

(46) "Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants) to collect oil, water, and other liquids. Liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(45)(47) "Maintenance" means the normal operational upkeep in accordance with Rules 62-762.701, and 62-762.702, F.A.C., to prevent a storage tank system or system component from releasing or discharging regulated substances.

(46)(48) "Mobile tank" is a shop fabricated storage tank that is:

(a) An AST that is moved to a different location at least once every 180 days; and

1. Has a current valid vehicle registration with the Florida Department of Highway Safety and Motor Vehicles and has current test and inspection markings in accordance with 49 C.F.R. 180.415; or

2. Is designed and constructed to be moved to other service locations, and its relocation within a facility or from site to site is inherent in its use; ~~or~~

(b) ~~Is~~ Used for on-site construction activities, provided that the construction activities do not exceed 12 months, or the life of the construction project as long as construction is continuous, and the tanks are removed from the site when the construction is complete; ~~and~~

(c)(b) Not considered mobile if it is connected to stationary underground or aboveground integral piping, unless associated with the production of an agricultural commodity, provided that the tank is moved to a different location at least once every 180 days; ~~or~~

Commented [RV5]: Not sure of the definition of "external". Liners are used in the tank farm for the diked area containment. It is also use internally beneath the tank bottom to serve as the secondary bottom of the tank for the AST itself.

Master Draft Oct2015

(47)(49) "Nationally Recognized Testing Laboratory" means an international or national organization or governmental entity that can perform quantitative and qualitative tests on storage tank system equipment, evaluate the test data and equipment performance, and make determinations of the equipment's capability of meeting the technical requirements standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. Nationally Recognized Laboratories include organizations such as Underwriter's Laboratories, Carnegie Mellon Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.

(48) "New" means a storage tank system or system component installed after *(effective date of the rule)*.

(49)(50) "On-site" means on the same or geographically contiguous property as the facility regulated under this Chapter; that is under the same ownership or control. The facility and which may be divided by a public or private right-of-way or an easement. Piping connecting ASTs with pipeline facilities are considered on-site up to the point where it crosses through the dike wall surrounding the AST.

(50) "Operability test" means a test performed to determine if electronic and mechanical release detection and overfill protection devices or systems are functioning as designed and in accordance with manufacturer's specifications.

(51) "Operational life" refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-762.801(3), F.A.C.

(52) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.

(51)(53) "Out-of-service" means a storage tank system or system component that is designated as out-of-service by the owner or operator to the Department on Form 62-761.900(2), F.A.C.

that:

(a) Is designated as an out-of-service system by owner or operator notification to the Department on Form 62-761.900(2);

(b) Is empty as defined in subsection 62-762.201(26), F.A.C.; and

(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-762.801(2), F.A.C., for a maximum time of:

1. Two years of being taken out-of-service for USTs; or

2. Five years of being taken out-of-service for ASTs; or

3. Ten years of being taken out-of-service for storage tank systems with secondary containment.

(52)(54) "Overfill" is an incident a release or discharge that occurs when a tank is filled beyond its capacity.

(53) "Overfill protection" is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

(55) "Owner" means any person as defined in Section 376.301(23), F.S., owning a facility.

(54)(56) "Pesticides" mean any substance or mixture of substances, as defined in 487.201, F.S., intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the Department of Agriculture and Consumer Services by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term "pesticide" does not include any article that:

(a) Is a "new animal drug" within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

(b) Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection, means all preparations, products, and substances included in the Department of Agriculture and Consumer Services' Rule 5E-2.002, F.A.C.

(57) "Petroleum" includes:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph (a).

(58) "Petroleum product" means any liquid fuel commodity made from petroleum.

(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:

1. Diesel fuel;

2. Kerosene;

3. Gasoline; and

Master Draft Oct2015

4. ~~Fuels containing mixtures of gasoline and other products.~~

(b) ~~Forms of fuel excluded from this definition are:~~

1. ~~Liquefied petroleum gas;~~

2. ~~American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;~~

3. ~~Bunker C residual oils;~~

4. ~~Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;~~

5. ~~Asphalt oils; and~~

6. ~~Petrochemical feedstocks.~~

(55)(59) "Pipe" or "piping" means any hollow cylindrical or tubular conveyance through which regulated substances flow.

(56)(60) "Pipeline facilities" are pipe systems, rights-of-way and any associated equipment, gathering lines, buildings, or break-out tanks necessary for the long range transportation of regulated substances. Pipeline facilities and associated equipment are regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations.

(57)(61) "Piping sump" or "~~Submersible turbine pump sump~~" means a storage tank system component liner installed as secondary containment or a monitoring port at the ~~top of a tank or at the~~ lowest point in the integral piping to detect releases.

(62)~~(60)~~ "Pollutants" includes any "product" as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(58)(63) "Pressure test" means a test to determine the integrity of the primary integral piping performed in accordance with Rules 62-762.601, and 62-762.602 ~~62-762.641(3)(e)1~~, F.A.C.

(59)(64) "Pressurized piping" means piping through which regulated substances are pumped under continuous pressure flow due to a pump that is not located at the dispensing system.

(60)(65) "Product" as defined in Section 377.19(11), F.S., means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, used oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

(61) "Registration form" means Storage Tank Facility Registration Form 62-761.900(2).

(62)(66) "Regulated substance" means a liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), that is a pollutant when stored in a storage tank an AST.

(63)(67) "Release" means:

(a) ~~A discharge; or~~

(b) ~~a~~ A loss of regulated substances from a storage tank system into the system's secondary containment.

(64)(68) "Release detection" means a method of:

(a) ~~Determining whether a discharge of regulated substances has occurred; or~~

(b) detecting the presence of regulated substances within a storage tank system's secondary containment or detecting other conditions or situations indicative of a release or discharge.

(69) "Release detection response level" is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if ~~an incident, release, or discharge has occurred.~~

(65)(70) "Repair" means to restore or replace any defective or damaged parts of a storage tank system or system component in accordance with subsections 62-762.701(1), and 62-762.702(1), F.A.C., as applicable. Replacement of a non-defective part is not a repair.

(66)(71) "Residential storage tank system" means a storage tank system that provides fuel for heating, air conditioning or electricity to a residential structure. That structure is a non-commercial building utilized exclusively as a dwelling unit that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.

(67)(72) "Secondary containment" means a release detection and discharge prevention system that meets the performance requirements standards of paragraphs 62-762.501(1)(b) 62-762.504(1)(e), and 62-762.502(1)(b), F.A.C., as applicable, and includes dispenser sumps liners, piping sumps, spill containment systems, the outer wall of double-walled tanks and integral piping systems, or single-walled tanks or piping systems that are contained within a or the liner or an impervious containment area for single-walled tanks or integral piping. A Release

Prevention Barrier, as specified in API Standard 650, Appendix I, is considered secondary containment for field erected ~~aboveground~~ storage tank bottoms.

(68)(73) "Sheen" means a regulated substance less than or equal to 0.01 foot in thickness, measured at its thickest point, or visibly observed, floating on surface water, groundwater, or within secondary containment.

(69)(74) "Shop-fabricated storage tank" means a storage tank ~~an AST~~ that is constructed at the tank manufacturer's plant and transported to the facility for installation.

(75) "Significant loss or gain" means the sum of losses and gains of a regulated substance over a 30 day or monthly period that exceeds:

(a) For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or
2. One percent of the total weekly output; or
3. Fifty gallons, whichever is greatest.

(b) For tanks with capacities between 2,001 and 29,999 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or
2. One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.

(c) For tanks with capacities of 30,000 gallons or greater:

1. One percent of the tank capacity; or
2. One half of one percent of the amount of product dispensed during the previous 30 days, whichever is greater.

(70)(76) "Small diameter piping" means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.

(71) "Spill containment system" means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.

(72)(77) "Storage tank system" means a tank used to contain regulated substances, and all its components, including its integral piping, and all its components, including dispensers dispensing systems, spill containment systems devices, overfill protection systems devices, secondary containment systems, and any associated release detection equipment. A storage tank system is a "storage system" as defined in Chapter 376.301, F.S.

(73) "Storage tank system component" or "system component" means any part (mechanical, electrical, and plumbing) of the storage tank system that is necessary for a tank system to operate properly and safely. This includes tanks, integral piping, sensors, sumps, pumps, including dispensers, spill containment systems, overfill protection systems, secondary containment systems, and any associated release detection equipment.

(74)(78) "Suction piping" means piping through which regulated substances flow by suction due to a pump located at the dispenser or other endpoint of the piping dispensing system.

(75)(79) "Tank" means an enclosed stationary container or structure that is designed or used to store regulated substances, and the volume of which, including the volume of underground piping, is less than ten percent buried beneath the surface of the ground. ~~For purposes of this chapter, cut and cover tanks are considered aboveground storage tanks.~~

(76)(80) "Temporary out-of-service" means a field-erected storage tank system that is designated as temporary out-of-service by the owner or operator to the Department on Form 62-761.900(2), F.A.C., ~~is a designation of a service status for a field erected storage tank system that is emptied solely for the purpose of cleaning, routine maintenance, or change of product for a time period exceeding thirty days, but less than six months.~~

(81) "UST" means an underground storage tank.

(82) "Unmaintained" means:

- (a) A storage tank system that was not closed in accordance with Department rules; or
- (b) An out-of-service storage tank system that is not returned to in-service status within:
 1. Five years of its being out-of-service for ASTs; or
 2. Ten years of its being out-of-service for storage tank systems with secondary containment.

(83) "Upgrade" means the addition or retrofit of cathodic protection, internal lining, ~~spill prevention, overfill protection, or secondary containment~~, to a storage tank system, or the installation of single wall corrosion resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.

(77) "Vapor Corrosion Inhibitor" (VCI) means a chemical substance that volatilizes from a liquid or solid that is designed to inhibit corrosion within an enclosed airspace.

(84)“Vehicular fuel” means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended _____.

Substantial rewording of Rule 62-762.211, F.A.C., follows. See Florida Administrative Code for present text.

62-762.211 Reference GuidelinesStandards.

(1) Reference guidelines listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., are available for inspection during business hours at the Department of Environmental Protection’s Tallahassee Office located at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be found in the document titled *Appendix A – Chapter 62-762, F.A.C., Secondary References* located here: www.flrules.org/Gateway/reference.asp?No=Ref-00###. All other secondary references can be obtained through the following reference guidelines.

(2) Titles of documents. References to documents listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., below are made throughout this Chapter. Each document or part thereof is adopted and incorporated by reference only to the extent that it is specifically referenced in this Chapter. To the extent that the provisions contained in the following reference guidelines conflict with this Chapter, the Department’s requirements as stated in this Chapter shall control.

(a) American Concrete Institute (ACI), 38800 Country Club Dr., Farmington Hills, MI 48331-3439, or at: <http://www.concrete.org/>:

1. *Control of Cracking in Concrete Structures*, ACI 224R-01, (Reapproved 2008); and
2. *Design Considerations for Environmental Engineering Concrete Structures*, ACI 350.4R-04, 2004 Edition.

(b) American Petroleum Institute (API), 1220 L Street, N.W. Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>:

1. *Specification for Fiberglass Reinforced Plastic Tanks*, API Spec 12P, 3rd Edition, October 2008;
2. *Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems*, API 570, 3rd Edition, November 2009;
3. *Design and Construction of Large, Welded, Low-Pressure Storage Tanks*, API Std 620, 12th Edition, October 2013;
4. *Welded Tanks for Oil Storage*, API Std 650, 12th Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), March 2013;
5. *Cathodic Protection of Aboveground Petroleum Storage Tanks*, API RP 651, 4th Edition, September 2014;
6. *Tank Inspection, Repair, Alteration, and Reconstruction*, API Std 653, 5th Edition, November 2014;
7. *Welding of Pipelines and Related Facilities*, API Std 1104, 21st Edition, Includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and Addendum 1 (2014), September 2013;
8. *Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide*, API RP 1110, 6th Edition February 2013;
9. *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API RP 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002);
10. *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API RP 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012). Secondary reference to this guideline can be found in Appendix A(2)(?) and
11. *Overfill Protection for Storage Tanks in Petroleum Facilities*, API RP 2350, 4th Edition, May 2012.

(c) ASME International (founded as the American Society of Mechanical Engineers), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, Published by ASME, (800) 843-2763, or available at www.asme.org/:

1. *Process Piping*, ASME B31.3, 2012 Edition; and
2. *Pipeline Transportation Systems for Liquids and Slurries*, ASME B31.4, 2012 Edition.

(d) Energy Institute. A copy of the following document is available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at Energy Institute, 62 New Cavendish Street, London W1G 7AR, UK, +44 (0) 20 7467 7100, or the publisher’s website at <https://www.energyinst.org/home>: *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012.

(e) Florida Department of Environmental Protection (DEP). A copy of the following document is available at the Department located at 2600 Blair Stone Road, Tallahassee, Florida 32399, (850) 245-8705, or at the following

website location: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

1. *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, 2015 Edition.

2. *Additional Requirements for Pressure Testing: Effects of Temperature Change on Pressure Testing and Maintaining Environmental Compliance*, July 2008, Arthur D. Bosshart II, TECO Energy, 702 N. Franklin Street, Tampa, Florida 33602, or at <http://tecoenergy.com/>. **Removal Pending decision**

(f) Geosynthetic Institute, 475 Kedron Avenue, Folsom, PA 19033-1208 (610) 522-8440 or at <http://www.geosynthetic-institute.org/>. *Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes*, GSI Test Method GM13, Rev. 12, November 2014, Geosynthetic Institute, Published by Geosynthetic Institute, 475 Kedron Avenue, Folsom, PA 19033-1208 (610) 522-8440.

(g) NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, (800) 797-6223, or at <http://www.nace.org/>;

1. *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition;

2. *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, NACE Standard RP0193-2001, 2001 Edition;

3. *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2011, 2011 Edition; and

4. *Coatings and Linings over Concrete for Chemical Immersion and Containment Service*, NACE Standard SP0892-2007 (formerly RP0892), 2007 Edition;

(h) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/;

1. *Flammable and Combustible Liquids Code*, NFPA 30, 2015 Edition;

2. *Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2015 Edition;

3. *Standard on Explosion Protection by Deflagration Venting*, NFPA 68, 2013 Edition;

4. *Standard on Explosion Prevention Systems*, NFPA 69, 2014 Edition; and

5. *Standard on Types of Building Construction*, NFPA 220, 2015 Edition.

(i) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, (301) 975-NIST (6478), or at <http://www.nist.gov/index.html>.

(j) Petroleum Equipment Institute (PEI), P. O. Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, or at www.pei.org/;

1. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-11, 2011 Edition;

2. *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-13, 2013 Edition; and

3. *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-12, 2012 Edition.

(k) SSPC: The Coatings Society and NACE International, A copy of the following document is available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at SSPC: The Coatings Society, 40 24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222-4643, (877) 281-7772, or from the publisher's website at <http://www.sspc.org/>; or publisher at NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, or from the publisher's website at <http://www.nace.org/>: *Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment*, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997.

(l) Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60047, (847) 438-8265, or at <https://www.steeltank.com/>;

1. *Flameshield® Standard for Fire Tested Tanks*, STI F001, October 2014;

2. *Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank*, STI F011, October 2014.

3. *Standard for Aboveground Tanks with Integral Secondary Containment*, STI F921®, Revised October 2014;

4. *Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks*, STI F941, October 2014;

5. *Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, STI R892, Revised January 2006

6. Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids, STI R912, Revised October 2010, STI, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047;

7. Standard for the Inspection of Aboveground Storage Tanks, STI SP001, 5th Edition, Revised 2011; and

8. Standard for Repair of Shop Fabricated Aboveground Tanks, STI SP031, 4th Edition, November 2008.

(m) Underwriters Laboratories Standards (UL), 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/;

1. Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, UL 142, Revised August 2014, 9th Edition;

2. Nonmetallic Underground Piping for Flammable Liquids, UL 971, Revised March 2006, 1st Edition; and

3. Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids, UL 2085, September 2003, 3rd Edition.

(n) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/;

1. Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), 40 C.F.R. § 280, (2015); Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001; and

2. Designation, Reportable Quantities, and Notification, 40 C.F.R. § 302 (2002), Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001.

(3) Applicability of Reference Guidelines: Storage tank systems or system components installed after *(effective date of the rule)*, shall comply with this Chapter on or after *(effective date of the rule)*. Unless otherwise specified in this Chapter, storage tank systems or system components installed before *(effective date of the rule)*, are subject to the Reference Standards listed in the Department's storage tank Rules that were in effect at the time the storage tank systems or system components were installed.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended _____.

62-762.301 Applicability.

(1) General Requirements.:

(a) ~~Aboveground storage tank systems~~: The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, ~~and or~~ owners and operators of ~~aboveground stationary~~ storage tank systems with individual storage tank capacities greater than 550 gallons, that contain or contained ~~regulated substances~~.: Storage tank systems or system components installed after *(effective date of the rule)*, shall comply with this Chapter upon installation. Unless otherwise specified in this Chapter, storage tank systems or system components installed before *(effective date of the rule)*, are subject to the Reference Standards listed in the Department's storage tank Rules that were in effect at the time the storage tank systems or system components were installed.

1. ~~Vehicle fuel~~, subject to Chapter 17-61, F.A.C., after May 21, 1984;

2. ~~Pollutants~~ after March 12, 1991; or

3. ~~Pollutants in unmaintained storage tank systems.~~

(b) ~~Aboveground compression vessels and hazardous substance storage tank systems~~: Owners and operators of compression vessels and hazardous substance storage tanks ~~systems~~ with capacities of greater than 110 gallons ~~and~~ containing hazardous substances above reportable quantities under *Designation, Reportable Quantities, and Notification*, 40 C.F.R. § 302 (2002), Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference and available from the address given 40 C.F.R. 302 are only required to comply with Rule 62-762.401-subsections 62-762.401(1)-(2), F.A.C. Owners and operators of ~~aboveground~~ storage tanks that contain hazardous substances consisting of ammonia and chlorine are required to comply with paragraph (1)(a) above.

(c) ~~Aboveground mineral acid storage tank systems~~: Owners and operators of facilities ~~containing only mineral acid storage tank systems~~; ~~and or~~ owners and operators of ~~aboveground~~-mineral acid storage tank systems with capacities of greater than 110 gallons containing mineral acids are only required to comply with Rule 62-762.891, F.A.C.

(d) ~~This rule is applicable to non-residential facilities.~~

(2) Exemptions: The following ~~aboveground~~ systems are exempt from the requirements of this Chapter:

(a) Any storage tank system storing any hazardous waste listed or identified under Subtitle C of the Resource Conservation and Recovery Act, or a mixture of such hazardous waste and other regulated substances;

Master Draft Oct2015

- (b) Any storage tank system regulated under the Toxic Substances Control Act (15 U.S.C. 2065);
- (c) Any pesticide waste degradation system regulated under Chapter 62-660, F.A.C.;
- (d) Storage tank systems used solely for temporary storage of mixtures of pesticides and diluent for reapplication as pesticides;
- (e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored. "Heating oil" means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces;
- (f) Any tank that contains asphalt or asphalt products not containing other regulated substances;
- (g) Any storage tank system storing regulated substances that are solid or gaseous at standard temperature and pressure;
- (h) Any storage tank containing Liquefied Petroleum Gas;
- (i) Any storage tank system that:
1. Contains regulated substances at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under 40 C.F.R. § 302 (2002); and
 2. Was never previously regulated under Chapter 376.30 through 376.309, F.S., or this Chapter contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;
- (j) Any storage tank system that contains wastewater ~~treatment tank system~~ that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;
- (k) Any septic tank system;
- (l) Any stormwater or wastewater collection system, including oil-water separator tanks;
- ~~(m) Any surface impoundment, pit, pond, or lagoon;~~
- ~~(n) Any agricultural storage tank system of 550 gallons capacity or less;~~
- ~~(m)(o)~~ Any residential storage tank system;
- ~~(n)(p)~~ Any emergency spill or emergency overflow containment storage tank systems, including those associated with electric power generation systems, that are emptied as soon as possible after use, and that routinely remains empty;
- ~~(o)~~ Any day tank system;
- ~~(p)(q)~~ Any flow-through process tank system. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility. Piping used to return unused regulated substances from the process, production, or manufacturing point of use back to the storage tank system is considered part of this exemption;
- ~~(q)(r)~~ Any storage tank system, liquid trap, or associated gathering lines directly related to oil or gas production and gathering operations regulated by Chapter 377, F.S.; however, this exclusion does not apply to storage tanks that contain refined products;
- ~~(r)(s)~~ Any ~~e~~Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift or fluid tank systems that hold hydraulic fluid for closed-loop mechanical systems used to operate lifts, elevators, and other similar devices and dielectric fluid (cooling and lubricating oil) systems used for electrical equipment and electrical equipment tank systems;
- ~~(s)(t)~~ Any pipeline facilities;
- ~~(t)(u)~~ Any storage tank system containing radionuclides or that is part of an emergency generator system for nuclear power generation at facilities regulated by the Nuclear Regulatory Commission under 10 C.F.R. Part 50 Appendix A;
- ~~(u)(v)~~ Any ~~v~~Vapor recovery holding tanks and associated vapor recovery piping systems; ~~or~~
- ~~(v)(w)~~ Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 5-of NFPA 30, Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles;
- ~~(w)(x)~~ Any ~~Drip~~ irrigation systems that:
1. Are not in contact with the soil;
 2. Are constructed of corrosion resistant materials;
 3. Are compatible with the products stored;
 4. Contain less than 80% concentration of fertilizer materials by volume; and
 5. Are applied on site.
- ~~(x)(y)~~ Systems used exclusively for the storage of aqueous solutions of sodium hypochlorite;
- ~~(y)(z)~~ Any mobile tank;
- ~~(z)(aa)~~ Any system located entirely within an industrial occupancy building;
- ~~(aa)(bb)~~ Any storage tank system, that was installed before July 13, 1998, and is located entirely within an

enclosed building or vault with an adequate roof and walls to prevent rainwater from reaching the system, and with an impervious floor containing no valves, drains, or other openings that would permit regulated substances to be discharged from the system. For storage tank systems that were installed between July 13, 1998, and the *effective date of the rule*, must meet the applicable regulatory requirements in effect at the date of installation that were constructed before July 13, 1998; or

(bb)(cc) Any mobile double-walled storage double-wall tank, regardless of how long it is located at a facility, that is connected with a power module system that is used for the emergency or supplemental generation of electrical power by an electric utility as defined in Chapter 366, F.S. This exemption is limited to storage tanks that are designed and constructed to be moved between to other service locations, relocated and the relocation within a facility or where the inherent use is from site to site; is inherent in its use.

(cc) Docklines transferring regulated substances from the marine transfer area to the bulk product facility provided the docklines are not integral piping of the regulated bulk product facility;

(dd) Any storage tank system containing biofuels with a concentration of regulated substances of five percent or less by volume; or

(ee) Any multiple compartmented storage tank system where each compartment does not share any of its walls with another compartment and the maximum capacity of each compartment is equal to or less than 550 gallons.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended

Substantial rewording of Rule 62-762.401, F.A.C., follows. See Florida Administrative Code for present text.

62-762.401 Facility Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subsection, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) For new facilities, which are facilities that began construction after *(effective date of the rule)*, a completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, shall be submitted in electronic or paper format to the Department no later than 30 days prior to installation. For facilities with existing registered storage tank systems, a completed Registration Form shall be submitted in electronic or paper format to the Department no later than seven (7) days prior to regulated substances being put into any new storage system. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldepportal.com/go/submit-registration/>, or the form can be obtained at www.flrules.org/Gateway/reference.asp?No=Ref-00###.

(2) For a change in service status or closure pursuant to Rules 62-762.801, and 62-762.802, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status.

(3) A completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days of the following changes or discovery:

(a) Any change in the owner or operator of a facility or of a storage tank system;

(b) Any change or correction in the information reported in the Registration Form. A change within the same blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);

(c) A permanent change from a regulated to a non-regulated substance; and

(d) The discovery of an unregistered storage tank system.

(4) Registration fees.

(a) Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all storage tank systems and compression vessels, required to be registered, except for:

1. Storage tank systems and compression vessels that have been properly closed in accordance with

subsections 62-762.801(2), and 62-762.802(3), F.A.C.; and

2. Storage tank systems and compression vessels at federally-owned or operated facilities.

(b) A fee of \$50.00 per storage tank or compression vessel shall be submitted for each initial registration of a storage tank system or compression vessel. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(c) A renewal fee of \$25.00 for each storage tank with a capacity of 250,000 gallons or less and for each compression vessel shall be paid to the Department by July 1 each year.

(d) A renewal fee of one dollar per every 10,000 gallons of storage capacity for each storage tank with a storage capacity greater than 250,000 gallons, shall be paid to the Department each year, not to exceed \$1,000 per

Commented [RV6]: For a new storage tank facility, the construction of the AST itself is several months of construction processes. When doing multiple tanks, such as with a new facility, the buildout period for all the tanks can be a year or so. The tanks are the first stage of construction, followed by the piping and containment infrastructure. The terminal we built new at Port Everglades took us 18 months and that was a phenomenal time. I think submitting as tank registration and paying a fee for a tank that may not be in service from 6 - 18 months seems too far out in front of the project.

Perhaps 30 days before substances are put into the system is a more reasonable time frame.

Master Draft Oct2015

storage tank.

(e) A fee of \$25.00 per storage tank shall be paid to the Department for each storage tank or compression vessel that is replaced within 30 days after receipt of an invoice by the Department.

(f) A late fee of \$20.00 per storage tank or compression vessel shall be paid to the Department for any renewal that is received after July 31.

(g) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$5,000 for all pollutant storage tanks located at the facility.

(h) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$2,500 for all registered compression vessels and hazardous substance storage tanks located at the facility.

(i) Upon receipt of payment of all applicable registration fees, each facility shall receive a valid registration placard, pursuant to Section 376.3077, F.S. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the storage tank system is located. Posted on the Department website will be information regarding those motor fuel facilities who have not timely paid their registration fees.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-762.401(4)(i), F.A.C., no motor fuel may be deposited into a storage tank required to be registered pursuant to this Rule. Facility owners, operators and suppliers are each responsible for compliance with this provision. For the purposes of this Rule, motor fuels mean petroleum products, including petroleum products blended with biofuels, used for the operation of a motor or engine.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3077 FS. History--New 6-21-04, Amended _____.

Editorial Note: Portions of this rule were relocated to Rule 62-761.421.

62-762.411 Notification.

(1) For Installations:

(a) For the purposes of this subsection, installation shall mean the date that the storage tank system placement or construction will begin.

(b) Notification shall be received by the County in writing or electronic format between 30 and 45 days before installation of a storage tank system unless the County agrees to a shorter time period.

(c) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the installation work to confirm the date and time of the scheduled activities.

(2) For change in service status and closure:

(a) Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work related to the change in service status, closure, or closure integrity evaluation unless the County agrees to a shorter time period.

(b) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the initiation of the work related to the change in service status, closure, or closure integrity evaluation to confirm the date and time of the scheduled activities.

(c) A Closure Integrity Evaluation Report Form 62-761.900(7), (Closure Integrity Report), effective date, (effective date of the rule), hereby adopted and incorporated by reference, as prepared in accordance with paragraph 62-762.801(3)(a), or 62-762.802(4)(a), F.A.C., must be provided to the County with the notification of closure. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###

(3) Internal Inspections. Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period for inspections in accordance with *Tank Inspection, Repair, Alteration, and Reconstruction*, API Std 653, 5th Edition, November 2014, and for piping integrity testing pursuant to *Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems*, API 570, 3rd Edition, November 2009, hereby adopted and incorporated by reference. Smaller field erected tanks with capacities less than 250,000 gallons shall be inspected in accordance with API Std 653; or *Standard for the Inspection of Aboveground Storage Tanks*, STI SP001, 5th Edition, Revised 2011, published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference and available at the address given. Notification is not required for any STI SP001, API Std 653 and 570 inspection work or activities where the tank or piping will remain in service or will not be empty, or for routine maintenance.

(4) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification (INF), effective date, (effective date of the rule), hereby adopted and incorporated by reference, within 72 hours or close of the County's next business day; however an INF need not be

Master Draft Oct2015

submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-762.431, F.A.C., confirms that a discharge did or did not occur. Copies of the INF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###.

(5) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 24 hours or before the close of the County's next business day. Copies of the DRF are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###.

(6) Notification is not required for Temporary Out-of-Service or for minor repairs to gauges, vents, or other equipment that is attached to the top of a storage tank.

Rulemaking Specific Authority 376.303, 376.309 FS. Law Implemented 376.303, 376.309 FS. History--New 6-21-04, Amended _____.

Editorial Note: Portions of this rule were copied from Rule 62-762.451.

62-762.421 Financial Responsibility.

(1) Financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum or petroleum product at the facility.

(2) Financial responsibility shall be demonstrated to the County or Department for all storage tank systems until they are properly closed and the Limited Closure Report or Closure Report is submitted to the County or the Department. If the facility owner, facility operator, tank owner and tank operator are separate persons, then only one person is required to demonstrate financial responsibility. However, the facility owner is liable in event of noncompliance.

(3) Demonstration of financial responsibility for storage tank systems shall be made available for inspection by the Department or the County. The demonstration of financial responsibility for storage tank systems shall be in accordance with *Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST) - Financial Responsibility*, 40 C.F.R. § 280 Subpart H, (2015), U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations, Published by National Archives and Records Administration, Office of the Federal Register, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and is available from the address given, except that:

(a) For a facility with a storage tank system or systems with a cumulative capacity greater than 550 gallons and less than or equal to 10,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$500,000 per incident and \$1 million annual aggregate.

(b) For a facility with a storage tank system or systems with a cumulative capacity greater than 10,000 gallons and less than or equal to 30,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$1 million per incident and \$1 million annual aggregate.

(c) For a facility with a storage tank system or systems with a cumulative capacity greater than 30,000 gallons and less than or equal to 250,000 gallons the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$1 million per incident and \$2 million annual aggregate.

(d) For a facility with a storage tank system or systems with a cumulative capacity greater than 250,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$3 million per incident and \$6 million annual aggregate.

(4) Notwithstanding the owner's or operator's financial responsibility status, the owner and operator shall, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.309 FS. History-New _____.

Editorial Note: Portions of this rule were copied from Rule 62-762.401.

62-762.431 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rules 62-762.601, and 62-762.602, F.A.C.:

Master Draft Oct2015

1. Any visual inspection of any part of a storage tank system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances that reveals **uncontrolled** pitting or corrosion, structural damage, leakage, or other similar problems; **New word "uncontrolled"**

2. Any visual observation of regulated substances in a containment sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained; or that liquid, other than condensate, has been detected by a sensor in a normally dry interstice;

4. Any visual observation that indicates that liquid level hydrostatic monitoring levels are not being maintained;

5. Any **complete** loss of vacuum or a 50% change in pressure from one month to the next;

6. Any visual inspection that indicates the presence of water, regulated substances, other than condensate, in the interstice;

7. Any instance where a mechanical line leak detector is restricting flow;

8. Any instance where an electronic line leak detector has shut off power to the pump; and

9. Any instance where a monitoring device has shut off the pump. **New from 62-761.430, F.A.C.**

(b) A failed integrity test for the following components:

1. Double-bottomed field erected storage tanks;
2. Double-walled integral piping;
3. Containment sumps; and
4. Spill containment systems.

(c) The presence of odors of regulated substances from surface water or groundwater, soil, basements, sewers and utility lines at a facility;

(d) The loss of regulated substances from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces;

(e) The loss of a regulated substance exceeding 500 gallons inside a dike field area with secondary containment; and

(f) **A failed Closure Integrity Evaluation. New from 62-761.430, F.A.C.**

(2) If an incident occurs at a facility, actions shall be initiated within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

(3) Notification of the discovery of any incident shall be made to the County on an INF in writing or electronic format within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

(4) In cases where an INF is required to be submitted, the investigation shall be completed within 14 days of the date of discovery of the incident to determine if a discharge has occurred. Incident investigations that require additional time can be extended with the written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system or system component shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period to investigate the incident, or at the end of an alternate time period approved by the Department or the County, a determination must be made as to whether the incident was a discharge. If the incident was a discharge, then a DRF shall be submitted in writing or electronic format to the County. If the incident was not a discharge, then a written confirmation and explanation that the incident was not a discharge shall be submitted in writing or electronic format to the County.

(6) The removal of any release of regulated substances into secondary containment shall be initiated within three days of discovery, and completed within thirty days of discovery.

(7) If a discharge is discovered at any time during the incident investigation, the discharge shall be reported on a DRF in writing or electronic format, within 24 hours of discovery or before the close of the next business day, and a discharge response shall be initiated in accordance with subsection 62-762.441(6), F.A.C.

(8) All incidents, regardless of whether an INF is required to be submitted, shall be documented and records kept until storage tank system closure in accordance with Rule 62-762.711, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New

Editorial Note: Portions of this rule were copied from Rule 62-762.821.

62-762.441 Discharges.

(1) Discharges include:

(a) Laboratory analytical results of surface water or groundwater samples indicating the presence of contamination by contaminants of concern listed in Table B in Chapter 62-780, F.A.C., that exceed the groundwater and surface water Cleanup Target Levels in Chapter 62-777, F.A.C.; *Added in*

(b) Laboratory analytical results of soil samples indicating the presence of contamination by contaminants of concern listed in Table B in Chapter 62-780, F.A.C. that exceed the lower of direct exposure residential or leachability based on groundwater criteria cleanup target levels in Chapter 62-777, F.A.C.;

(c) The presence of free product, a visible sheen, sludge, or emulsion of a regulated substance, or a regulated substance that is visibly observed in soil, on or in surface water, in groundwater samples, on basement floors, in open drainage ditches, in open excavations or trenches, in subsurface utility conduits or vaults, or in sewer lines at the facility; and

(d) A spill or overflow of a regulated substance to a pervious surface, except as provided in subsection 62-762.441(5), F.A.C.

(2) Upon discovery of a discharge, the owner or operator shall report the discharge to the County on a DRF within 24 hours or before the close of the County's next business day. If, however, this discovery is thought to be a previously reported discharge, the owner or operator will have 30 days to investigate and submit supporting documentation or a DRF.

(3) Copies of laboratory analytical results that confirm a discharge shall be submitted to the County within 24 hours of receipt of the results or before the close of the next business day in writing or electronic format.

(4) A request for a retraction of a submitted DRF shall be submitted to the County or the Department in writing or electronic format if evidence is presented that a discharge did not occur at the facility.

(5) A DRF does not need to be submitted:

(a) For a discharge that was previously reported to the appropriate County or the Department on a DRF;

(b) For petroleum or petroleum product de minimis discharges in accordance with Rule 62-780.560, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in 40 C.F.R. § 302 (2002); or

(c) Regardless of the date of installation of storage tank systems, for petroleum or petroleum product de minimis discharges in accordance with subsection 62-780.560(1), F.A.C.; or

(d) For non-petroleum de minimis discharges in accordance with Rule 62-780.550, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in 40 C.F.R. § 302 (2002).

(6) Discharge response.

(a) When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:

1. Fire, explosion, and vapor hazards shall be identified and mitigated;

2. Actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (e.g., Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with Chapter 62-780, F.A.C.;

3. Each component of the storage tank system shall be integrity tested within three days of discovery of the discharge if the source and/or cause of the discharge is unknown;

4. The storage tank system component that is discharging shall be isolated from the system within three days of discovery of the discharge. If the component cannot be isolated from the system, within three days of discovery of the discharge the storage tank system shall not operate, dispense, or accept deliveries, or shall be placed out-of-service in accordance with Rules 62-762.801, and 62-762.802, F.A.C., until the component can be repaired or replaced;

5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-762.701, or 62-762.702, F.A.C.;

6. If the storage tank system component that was found to be discharging will be replaced, it shall meet the storage tank system requirements in accordance with Rule 62-762.501, F.A.C.; and

7. If the storage tank system component that was found to be discharging will not be repaired or replaced, the component shall remain isolated from the storage tank system. In cases where the component cannot be isolated from the storage tank system, the system shall remain out-of-service or shall be closed in accordance with Rules 62-762.801, and 62-762.802, F.A.C.

Commented [RV7]: Historical discharges that were reported prior to recent rule revisions were not delineated to the current standards. The detection of these constituents may not be attributable to recent discharge.

Commented [RV8]: Does less than 25 gallons on a pervious surface not exist as a threshold anymore?

Master Draft Oct2015

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New _____.

Editorial Note: Portions of this rule were copied from Rule 62-762.821.

62-762.451 Notification and Reporting

Rulemaking Specific Authority 376.303, 376.309 FS. Law Implemented 376.303, 376.309 FS. History--New 6-21-04, Repealed _____.

Substantial rewording of Rule 62-762.501, F.A.C., follows. See Florida Administrative Code for present text.

62-762.501 Storage Tank Systems Requirements ~~for Shop Fabricated~~ Performance Standards for Category-C Storage Tanks Systems.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substances and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes, GSI Test Method GM13, Rev. 11, December 2012, Geosynthetic Institute, Published by Geosynthetic Institute, 475 Kedron Avenue, Folsom, PA 19033-1208 (610) 522-8440, hereby adopted and incorporated by reference, and available from the address given, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with Control of Cracking in Concrete Structures (Reapproved 2008), ACI 224R-01, 2008, and Design Considerations for Environmental Engineering Concrete Structures, ACI 350.4R-04, 2004, American Concrete Institute (ACI), published by ACI, 38800 Country Club Drive, Farmington Hills, Michigan 48331, hereby adopted and incorporated by reference and are available from the address given and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, unless previously lined in accordance with Coatings and Linings over Concrete for Chemical Immersion and Containment Service, NACE Standard SP0892-2007 (formerly RP0892), 2007 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference and available from the address given and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the General Construction Requirements specified in this section.

4. Secondary Containment constructed with other materials, including clay liner materials having permeability not less than or equal to 1×10^{-7} cm/sec, shall be impervious and registered in accordance with Rule 62-762.851(2), F.A.C.

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, hydrant sumps, and dispenser sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

- a. Twenty-four hours for field-fabricated components; or
- b. Three hours for factory-made components.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tanks with closed interstice after it is delivered to the facility and before the storage tank is placed into service. This test shall be performed in accordance with *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-13, 2013 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, hereby adopted and incorporated by reference and available from the address given.

10. Before integral piping is placed into service, an interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-11, 2011 Edition; and *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-12, 2012 Edition, Petroleum Equipment Institute (PEI) Published by PEI, P. O. Box 2380, Tulsa, OK 74101-2380, hereby adopted and incorporated by reference and available from the address given.

11. If double-walled spill buckets are installed, an interstitial integrity test shall be performed in accordance with PEI/RP1200-12 before the spill bucket is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(f), F.A.C., or another method of monitoring to allow for a determination of current operating status. Cathodic protection test stations shall provide direct access to the soil electrolyte in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.701(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies registered with the Department in accordance with Rule 62-762.851(2), F.A.C., provide an alternative to cathodic protection for protection of metal surfaces within the secondary containment. Vapor corrosion inhibitors (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.701(3), F.A.C.

(e) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with **the applicable provisions of *Flammable and Combustible Liquids Code, Storage Tank Buildings*, NFPA 30; *Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2012 Edition, National Fire Protection Association (NFPA), Published by NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169; *Process Piping*, ASME B31.3, 2012 Edition, ASME International (founded as the American Society of Mechanical Engineers), Published by ASME, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900; and PEI/RP200-13, hereby adopted and incorporated by reference and**

available from the addresses provided.

(1) Whenever integral piping in contact with the soil is installed or relocated after *(effective date of the rule)*, a survey drawing of the underground integral piping, signed and sealed by a Professional Land Surveyor or Professional Engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-762.711, F.A.C.

(2) Storage Tank Installation.

(a) In addition to the requirements of paragraph 62-762.501(1)(g), F.A.C., storage tank systems shall be installed according to the applicable provisions of *Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids*, STI R912, Revised October 2010, STI, Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference and available from the address given.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following requirements hereby adopted and incorporated by reference and available from the addresses given:

a. *Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*, UL 142, August 2014, 9th Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096;

b. *Welded Tanks for Oil Storage*, API STD 650, 12th Edition, March 2013, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070;

c. *Specification for Fiberglass Reinforced Plastic Tanks*, API Spec 12P, 3rd Edition, October 2008; American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070;

d. *Standard for Aboveground Tanks with Integral Secondary Containment*, STI F921®, Revised January 2013, STI, Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047; or

e. *Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids*, UL 2085, September 2003, 3rd Edition, Underwriter's Laboratory, Published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096.

f. *Flameshield® Standard for Fire Tested Tanks*, STI F001, January 2013, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

g. *Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks*, STI F941, December, 2012, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

h. *Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank*, STI F011, May, 2012, Published by Steel Tank Institute, 944 Donata Court, Lake Zurich, Illinois 60047.

2. Storage tanks that meet the above performance requirements, that are constructed of equivalent material, or have an equivalent design shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with *Cathodic Protection of Aboveground Petroleum Storage Tanks*, API RP 651, 3rd Edition, January, 2007, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, and *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, NACE Standard RP0193-2001, 2001 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906, hereby adopted and incorporated by reference and available from the addresses given;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with subparagraph 62-762.501(1)(c)1., F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.701(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with Rule 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe test location or a method of monitoring to allow for a determination of the corrosion rate on the underside of the tank floor or other interstitial or

metallic surface. The VCI system shall be designed and installed and in accordance with the requirements specified in Rule 62-762.701(2), F.A.C.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30, *Storage of Liquids in Tanks - Aboveground Storage Tanks*;

b. Contain a minimum of 110% of the maximum capacity of the storage tank located within the dike field area; or of the largest single-walled storage tank located within a dike field area containing more than one storage tank. For dike field areas containing more than one storage tank, capacity calculations shall be made after deducting the volume of the storage tanks, other than the largest storage tank, below the height of the dike;

c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:

i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or

ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and

d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the discharge of regulated substances.

(e) Overfill protection.

1. 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% capacity.

2. All storage tanks shall be equipped with at least one of the following overfill protection devices:

a. A gauge or other measuring device that accurately shows the level of regulated substances in the storage tank and that is visible to the person who is monitoring the filling that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

b. A high level (at 90% tank capacity) warning alarm that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

c. A high level (at 90% tank capacity) liquid flow cutoff controller that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation; or

d. An impervious dike field area designed to contain overfills.

3. Storage tanks with capacities of 15,000 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% capacity.

4. Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.

(f) Spill containment systems.

1. Storage tanks shall be installed with a spill containment system at each storage tank fill connection, except within dike field areas with secondary containment. The spill containment system shall meet the requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C.

2. Fillbox covers shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API RP 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012), American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; or *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012, hereby adopted and incorporated by reference and available from the address given, or with an equivalent method approved by the Department in accordance with subsection 62-762.851(1), F.A.C.

3. Spill containment systems, including double-walled spill containment systems, shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(g) Dispensers and dispenser sumps.

1. The dispenser used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30 and Chapter 6, *Fuel Dispensing Systems*; Chapter 9, *Operational Requirements*; and Chapter 11, *Marine Fueling* of NFPA 30A.

2. Dispensers shall be installed with a dispenser sump, except those within an impervious dike field area with secondary containment, meeting the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and registered in accordance with subsection 62-762.851(2), F.A.C. The dispenser sump shall extend beneath the union of the integral piping and the dispenser, including the shear valve, if applicable. Dispensers mounted directly upon the storage tank or that are otherwise associated with storage tank systems that do not have underground integral piping are exempt from this requirement.

3. Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(h) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The piping sumps shall be designed, constructed, and installed to minimize water entering the sump.

2. Piping sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(i) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use, and be registered in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material.

(j) Relocation of storage tanks. Storage tanks that have been removed and that are to be reinstalled at a different property shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C. They shall be reinstalled in accordance with manufacturer's specifications and inspected in accordance with STI SP001, and with the requirements in Rule 62-762.501, F.A.C.

(3) Small diameter integral piping.

(a) Installation.

1. All integral piping installed after *(effective date of the rule)*, shall be installed in accordance with the manufacturer's instructions, if applicable, and according to the applicable provisions of PEI/RP200-13; Chapter 27 of NFPA 30, *Piping Systems*; NFPA 30A; and *Pipeline Transportation Systems for Liquids and Slurries*, ASME B31.4 – 2012 Edition, hereby adopted and incorporated by reference.

2. An interstitial integrity test shall be performed on double-walled integral piping in contact with the soil or that transports regulated substances over surface waters of the state in accordance with PEI/RP100-11 and PEI/RP1200-12 before the integral piping is placed into service.

3. All new integral piping that is not in contact with the soil, shall meet the construction requirements in paragraphs 62-762.501(3)(a) through (c), F.A.C., and shall be UV rated if exposed to sunlight *if* made of non-metallic materials.

4. New double-walled integral piping that is in contact with the soil shall be installed with a slope to a low point monitoring system. Double-walled integral piping utilizing hydrostatic, pressure or vacuum monitoring are not subject to this requirement.

5. All new pressurized small diameter integral piping that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C. The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Chapter 7 of PEI/RP200-13, *Pumps and Valves*.

6. All pressurized small diameter integral piping installed prior to *(effective date of the rule)*, that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C. within one year of *(effective date of the rule)*. The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Chapter 7 of PEI/RP200-13. *Line leak detectors are not required for piping that is not in contact with the soil. Line leak detectors installed in conjunction with a piping sump must be located downstream from the anti-siphon or solenoid valve.*

(b) Secondary containment.

1. All small diameter integral piping, including remote fill piping, that is in contact with the soil or that transports regulated substances over surface waters of the state, including those that contain used oil, shall have secondary containment.

2. Small diameter integral piping containing high viscosity products are exempt from the requirements for

secondary containment.

3. Single-walled integral piping that is in contact with the soil and is not exempt pursuant to subparagraph 62-762.501(3)(b)2, F.A.C., shall be immediately and permanently closed in accordance with subsection 62-762.801(2), F.A.C.

(c) Construction.

1. Fiberglass reinforced plastic piping, semi-rigid non-metallic or metallic piping, or other non-metallic piping installed in contact with the soil shall be installed in accordance with *Non-metallic Underground Piping for Flammable Liquids*, UL 971, June 2008, 2nd Edition, published by Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, hereby adopted and incorporated by reference and available from the address given, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-762.851(2), F.A.C.

2. Rigid metallic integral piping shall be constructed in accordance with ASME B31.3 or PEI/RP200-13. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API RP 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002), American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070; *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-4906; and *Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, STI R892, Rev. January 2006, Steel Tank Institute (STI), Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference, and are available from the addresses given.

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30.

4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

5. Small diameter piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.701(2), F.A.C.

(d) Valves.

1. Shear valves. Pressurized small diameter integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, *Requirements for Dispensing Devices*. These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-12 at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.

2. Isolation block valves. Any storage tank system located at an elevation that produces a gravity head on the dispenser or on small diameter integral piping positioned below the product level in the tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, *Tank Openings Other Than Vents*.

3. Anti-siphon valves. For small diameter integral piping with suction and pressurized systems and dispensers that are subject to NFPA 30A, anti-siphon valves shall be installed and maintained in accordance with Section 7 of PEI/RP200-13 and Section 11.2 of NFPA 30A, *Marine Fueling, Storage*. Integral piping that includes design factors that prevent siphoning does not require anti-siphon valves. Integral piping located within an impervious dike field area does not require anti-siphon valves.

4. Storage tank systems without dispensers installed after, (effective date of the rule), that produce a gravity head on small diameter integral piping positioned below the product level in the tank must be installed with valves or piping designed to prevent the tanks from emptying if there is a leak or break in the integral piping in accordance with NFPA 30.

(4) Bulk product piping associated with shop fabricated storage tanks shall meet the requirements of subsection 62-762.502(4), F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended _____.

62-762.502 Storage Tank System Requirements for Field Erected Storage Tanks.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substances and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with GSI Test Method GM13 and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with ACI 224R-01, and ACI 350.4R-04, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, unless previously lined in accordance with NACE Standard SP0892-2007, and be registered with the Department in accordance with subsection 62-761.851(2), F.A.C.;

or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the General Construction Requirements specified in this section.

4. Secondary Containment constructed with other materials, including clay liner materials having permeability not less than or equal to 1×10^{-7} cm/sec, shall be impervious and registered in accordance with subsection 62-762.851(2), F.A.C.

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, and hydrant sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

a. Twenty-four hours for field-fabricated components; or

b. Three hours for factory-made components.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tank with closed interstice after it is constructed at the facility and before the storage tank is placed into service. This test shall be performed in accordance with, PEI/RP200-13.

10. An interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil or that transports regulated substances over surface waters of the state in accordance with PEI/RP100-11 and PEI/RP1200-12 before the small diameter integral piping is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(f), F.A.C., or another method of monitoring to allow for a determination of current operating status. Cathodic protection test stations shall provide direct access to the soil electrolyte in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

Master Draft Oct2015

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.702(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies, registered with the Department in accordance with subsection 62-762.851(2), F.A.C., provide an alternative to cathodic protection for protection of metal surfaces within the secondary containment. Vapor corrosion inhibitor (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.702(3), F.A.C.

(e) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with the applicable provisions of API Std 650; NFPA 30; NFPA 30A; ASME B31.3-2012; and PEI/RP200-13.

(i) Whenever integral piping in contact with the soil is installed or relocated after *(effective date of the rule)*, a survey drawing of the underground integral piping, signed and sealed by a Professional Land Surveyor or Professional Engineer licensed in the state of Florida, shall be completed and maintained as a record in accordance with Rule 62-762.711, F.A.C.

(2) Storage tank installation.

(a) All storage tank systems shall be installed in accordance the applicable provisions of Chapter 22 of NFPA

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following:

a. *Design and Construction of Large, Welded, Low-Pressure Storage Tanks*, API Std 620, 11th Edition, Includes Addendum 1 (2009), Addendum 2 (2010), and Addendum 3 (2012), American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference; or

b. API Std 650.

2. Storage tanks shall be inspected and tested at a frequency established in accordance with API Std 653 and maintained for the life of the tank.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with API RP 651 or NACE Standard RP0193-2001. Storage tanks that have been upgraded with secondary containment consisting of a new steel bottom that is not in contact with the soil are not required to have cathodic protection on the new steel bottom;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with paragraph 62-762.502(1)(c), F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.702(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered

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in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional. The VCI system shall be designed and installed and in accordance with the requirements specified in subsection 62-762.702(3), F.A.C.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30;

b. Contain a minimum of 110% of the maximum capacity of the storage tank located within the dike field area; or of the largest single-walled storage tank located within a dike field area including more than one storage tank. For dike field areas containing more than one storage tank, capacity calculations shall be made after deducting the volume of the storage tanks, other than the largest storage tank, below the height of the dike;

c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:

i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or

ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and

d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the release of regulated substances.

7. Storage tanks where the entire bottom of the tank is in contact with concrete, and the concrete is not sealed in accordance with paragraph 62-762.502(1)(b), F.A.C., do not have to seal the concrete beneath the tank until such time as the tank bottom is replaced. Concrete secondary containment systems designed in accordance with subparagraph 62-762.502(1)(b)3., F.A.C., do not have to be sealed.

8. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, an alternative dike field secondary containment system registered in accordance with subsection 62-762.851(2), F.A.C., may be used. Alternative dike field secondary containment systems are not allowed in public wellhead protection areas. The alternative dike field secondary containment system must provide:

a. Continuous tank shell monitoring with approved probes, cables, or electronic sensors;

b. Immediate electronic notification to the owner or operator of overfills and leaks from the tank shell;

c. Stormwater management;

d. A high and a high-high level overflow alarm system with an annual test of operability, in accordance with *Overfill Protection for Storage Tanks in Petroleum Facilities*, API RP 2350, 4th Edition, May 2012, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, hereby adopted and incorporated by reference and available from the address given;

e. An impervious overflow retention system that will contain the volume of product that would be transferred at the maximum flow rate for a period of five minutes by the pump(s) used for filling the tank; and

f. An automatic system for shutting off the pump(s) used for filling the tank by an electronic signal from the continuous tank shell monitoring system, or an automatic system for the closing of any valve whose actuation time will stop the product transfer without inducing hydraulic hammer into the transfer system. The system must be designed to operate in conjunction with the impervious overflow retention system and be capable of preventing any discharge of product being transferred during and after the time needed to shut off the pump or close the valve.

g. In addition, equipment that is designed to be secondary containment in accordance with paragraph 62-762.502(1)(b), F.A.C., must be installed around or beneath pumps and valves within the dike field or secondary containment area.

h. New tanks shall be installed with a release prevention barrier underneath the tank in accordance with API Std 650, Appendix I or an equivalent system registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C. **New**

9. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, a double-walled storage tank may be used. The storage tank must be constructed in accordance with API Std 650.

10. Release prevention barriers for dike-field containment systems shall be impervious and designed and constructed in accordance with API Std 650, or be registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

(e) Overfill protection.

1. No transfer of regulated substances shall be made unless the volume available in the tank is greater than the

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volume of regulated substances to be transferred. The transfer shall be repeatedly monitored to prevent overfilling.

2. Overfill protection shall be performed in accordance with API RP 2350.

3. All new overfill alarms shall be annually tested for alarm function.

(f) Spill Containment. Storage tanks that are loaded by trucks shall be installed with a spill containment system at each tank fill connection within six months of *(effective date of the rule)*, except for tank fill connections located within dike field areas with secondary containment or within tank truck containment areas. The spill containment system shall meet the requirements of paragraph 62-762.502(1)(b), F.A.C.

(g) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.502(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The sumps shall be designed, constructed, and installed to prevent water entering the sump.

2. Piping sumps shall be installed to allow for interstitial monitoring of the integral piping and monitoring of the piping sump, as applicable, in accordance with Rule 62-762.601, F.A.C.

(h) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use and shall be registered in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material. Hydrant sumps shall be containment integrity tested in accordance with subparagraph 62-762.502(1)(b)8., F.A.C.

(i) Relocation of storage tanks. Storage tanks that have been removed and that are to be reinstalled at a different location shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C., and reinstalled in accordance with API Std 653.

(3) Small diameter integral piping associated with field erected storage tanks shall meet the requirements of 62-762.501(3), F.A.C.

(4) Bulk product piping.

(a) Installation.

1. Bulk product piping shall be constructed and installed in accordance with the applicable provisions of Chapter 27 of NFPA 30; and either ASME B31.3 or B31.4; or *Welding of Pipelines and Related Facilities*, API Std 1104, 21st Edition, Includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and Addendum 1 (2014), September 2013, adopted and incorporated by reference.

2. All new bulk product piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-762.502(4)(a) and (c), F.A.C.

3. An integrity test shall be performed for underground bulk product piping for high viscosity products in accordance with Chapter 27 of NFPA 30, before the piping system is placed into initial use. An interstitial integrity test shall be performed for underground bulk product piping with secondary containment in accordance with subsection 62-762.702(4), F.A.C., or Chapter 27 of NFPA 30 before the piping is placed into initial use.

(b) Secondary containment.

1. All bulk product piping, including such piping that contains used oil, that is in contact with the soil or that transports regulated substances over surface waters of the state shall have secondary containment.

2. Single-walled bulk product piping that was installed before June 30, 1992, and that had an initial structural evaluation performed in accordance with API 570 before January 1, 2000, is exempt from this requirement if the evaluation indicated that the bulk product piping had remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570 inspection indicates that repair, upgrading or closure is necessary.

3. Bulk product piping containing high viscosity products are exempt from the requirements for secondary containment.

4. Single-walled bulk product piping that is in contact with the soil and is not exempt pursuant to subparagraphs 62-762.502(4)(b)2., and 3., F.A.C., shall be immediately and permanently closed in accordance with subsection 62-762.802(3), F.A.C.

5. Bulk product piping in contact with the soil containing high viscosity products may be converted to non-high viscosity product service without having to install secondary containment if an API 570 integrity assessment is performed and confirms that the piping has remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570 inspection indicates that repair, upgrading or closure is necessary.

(c) Construction.

1. New steel bulk product piping shall be constructed in accordance with ASME B31.3 or 31.4, or API STD 1104. Bulk product steel integral piping in contact with the soil shall be cathodically protected in accordance with

API RP 1632, NACE Standard SP0169-2013, or STI R892. Corrosion Protection can also be provided using vapor corrosion inhibitors registered in accordance with subsection 62-762.851(2), F.A.C. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional.

2. Bulk product piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

3. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.702(2), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New .

62-762.511 Performance Standards for Category-A and Category-B Storage Tank Systems.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Repealed .

Substantial rewording of Rule 62-762.601, F.A.C., follows. See Florida Administrative Code for present text.

62-762.601 Release Detection Requirements for Shop Fabricated Storage Tank Systems Standards.

(1) General requirements.

(a) Storage tank systems shall have a method or combination of methods of release detection that can detect a new release from any portion of the storage tank system.

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system within 90 days of *(effective date of the rule)*, in accordance with subsection 62-762.801(2), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring which shall be conducted in accordance with this section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or visual release detection methods.

(d) Except as otherwise specified in this Rule, the release detection method or combination of methods used at a facility shall be performed at least once every calendar month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. At least once a month, but not exceeding 35 days, 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 or corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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. A monthly visual inspection is not required for any system component using an electronic release detection method; however, piping and dispenser sumps that use an electronic release detection method must also be visually inspected every six months and records kept of the visual inspection.

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-762.701(3), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to suspected releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable.

(i) Storage tank systems containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels cannot be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Pressure readings shall be able to detect a 50% change from one month to the next, or any cumulative change of pressure exceeding 50% of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation; National Institute of Standards and Technology (NIST), 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, hereby adopted and incorporated by reference and available at the address given. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water or regulated substances in the interstice is considered a positive response. 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.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of liquid at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substance in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(3) Storage tanks without secondary containment.

(a) Required release detection methods. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed in accordance with paragraph 62-762.601(1)(e), F.A.C.

(b) Performance Requirements. Visual inspections of storage tanks shall include an inspection of the exterior of each tank, the integral piping, and any other storage tank system components.

(4) Small diameter integral piping with secondary containment.

(a) One or more of the applicable release detection methods in subsection 62-762.601(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter integral piping in contact with the soil shall be equipped with a

Commented [RV12]: 50% accumulative is bothersome. As long as the system is holding pressure with a slow decrease, it should be fine. If I have a line that has 20 psi pressure on it, and I lose 1 to 2 lbs per month, every 5 months I will have to do an investigation. Once you have a standard knowledge of the operating pressures, you would be able to detect if something was amiss if there was a significant drop, such as the 50% for the month to month. This is where the RDRL was a workable system. You are taking the system operation out of the engineer design.

Commented [RV13]: Up to 500 gallons in secondary containment is not a discharge. It must be investigated for cause and repairs must be made. However, not a discharge if impermeable secondary containment.

release detection system that can detect a leak within one hour. One of the following methods shall be used:

1. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and restrict flow within one hour. Any instance where the mechanical line leak detector is restricting flow is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95 and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of ten gallons within one hour and shutting off the pump. Any instance where the monitoring device has shut off the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(5) Bulk product piping and hydrant piping with secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(5), F.A.C.

(6) Bulk product and hydrant piping without secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(6), F.A.C.

(7) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing Laboratory.

(8) Records shall be kept for three years generated on or after *(effective date of the rule)*. Records generated before *(effective date of the rule)*, are required to be kept for two years, in accordance with Rule 62-762.711, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History—New 6-21-04, Amended _____.

62-762.602 Release Detection Requirements for Field Erected Storage Tank Systems.

(1) General requirements.

(a) Storage tank systems shall have a method, or combination of methods of release detection that can detect a new release from any portion of the storage tank system.

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-762.802(3), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring which shall be conducted in accordance with this section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or visual release detection methods.

(d) Except as otherwise specified in this Rule, the release detection method or combination of methods used at a facility shall be performed at least once every calendar a month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. At least once a month, but not exceeding 35 days, every component of a storage tank system that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances 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 or corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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 62-762.702, F.A.C. A visual inspection is not required for any system component using an electronic release detection method.

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in

Master Draft Oct2015

accordance with subsection 62-762.702(4), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status and testing results related to suspected releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status and testing results.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used.

(i) Storage tank systems containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels cannot be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Pressure readings shall be able to detect a 50% change from one month to the next, or any cumulative change of pressure exceeding 50% of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

b. Liquid-filled gauges shall be calibrated using NIST traceable standards, NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070, prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water or regulated substances in the interstice is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of regulated substances at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substances in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

Commented [RV14]: Same comment about the 50% accumulative requirement.

Commented [RV15]: The visible inspection by use of the gauges is an option over the electronic monitoring described in 2 and 3 above. Just trying to confirm this here. It is noted that there isn't any percentages in the electronic monitoring for reporting thresholds.

(3) Storage tanks without secondary containment.

(a) Required release detection methods.

1. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed in accordance with paragraph 62-762.602(1)(e), F.A.C.

2. Storage tanks, except those containing high viscosity product, shall have one of the following methods of release detection:

a. Electronic sensing equipment installed beneath the storage tank.

b. External monitoring using tracer or helium testing systems registered in accordance with subsection 62-762.851(2), F.A.C.

c. Another method registered in accordance with subsection 62-762.851(2), F.A.C.

(b) Performance Requirements. Single-wall release detection systems shall be designed and constructed to allow monitoring of the tank for the purpose of discovering if an incident or release has occurred. Single-wall release detection systems shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the testing or sampling method inoperative.

1. Electronic sensing equipment placed externally around storage tanks that involve the use of electronic sensors, probes, or fiber-optic systems shall be tested at least annually at intervals not exceeding 12 months to verify that they operate properly. Groundwater and vapor monitoring wells using the placement of sensors or probes in vertical, horizontal, or directionally-drilled wells shall be designed and installed in accordance with the equipment registration for that system.

2. Another method that meets the requirements of paragraph 62-762.602(1)(d), F.A.C.

3. Visual inspections of field-erected storage tanks shall include an inspection of the exterior of each tank, the integral piping system, the dike field area, and any other storage system components.

(4) Small diameter integral piping with secondary containment associated with field erected storage tank systems shall meet the requirements of subsection 62-762.601(4), F.A.C.

(5) Bulk product piping and hydrant piping with secondary containment shall have one or more of the release detection methods in subsection 62-762.602(2), F.A.C.

(6) Bulk product and hydrant piping without secondary containment. Single-walled bulk product and hydrant piping in contact with the soil, except those containing high viscosity product, shall have one or more of the following release detection methods:

(a) An annual line pressure test performed in accordance with *Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids or Carbon Dioxide*, API RP 1110, 5th Edition, American Petroleum Institute, Published by API Publications and Distribution, 1220 L Street, N.W. Washington, D.C. 20005-4070, and in conjunction with the *Additional Requirements for Pressure Testing: Effects of Temperature Change on Pressure Testing and Maintaining Environmental Compliance*, July 2008, Arthur D. Bosshart II, TECO Energy, 702 N. Franklin Street, Tampa, Florida 33602, hereby adopted and incorporated by reference and available from the addresses given, for piping segments of 10,000 gallons capacity or less. **Decision Pending**

(b) External monitoring shall be performed in accordance with the requirements of paragraph 62-762.602(1)(d), F.A.C., if designed to detect a discharge from any portion of the integral piping. External release detection methods using fiber optic, acoustic, helium, cable, and chemical marker release detection methods shall be performed monthly, or annually at intervals not exceeding 12 months if approved by a Nationally Recognized Testing Laboratory as having a 0.2 gallons per hour leak rate detection capability.

(c) Internal release detection methods, other than pressure testing, which are registered in accordance with subsection 62-762.851(2), F.A.C., shall be able to detect a leak of 0.2 gallons per hour with a probability of detection of 0.95, and a probability of false alarm of 0.05. Internal release detection systems meeting the 0.2 gallons per hour threshold shall be performed annually at intervals not exceeding 12 months. Annual pigging of bulk product piping can be performed as a method of internal release detection instead of other methods specified above. The pigging must provide ultrasonic thickness, magnetic flux, or other data that demonstrates that the piping does not have holes or sources where product leaks from the pipe.

(d) Bulk product and hydrant piping not in contact with the soil shall be visually inspected in accordance with paragraph 62-762.602(1)(e), F.A.C., monthly but not exceeding 35 days.

(7) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the

manufacturer if the remote test is included in the third party certification by a Nationally Recognized Testing Laboratory.

(8) Records shall be kept for three years generated on or after *(effective date of the rule)*. Records generated before *(effective date of the rule)*, are required to be kept for two years, in accordance with Rule 62-762.711, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.3072 FS. History--New .

62-762.611 Release Detection Methods.

Rulemaking Specific-Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Repealed .

62-762.641 Performance Standards for Release Detection Methods.

Rulemaking Specific-Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Repealed .

62-762.701 Repairs, Operation and Maintenance of Shop Fabricated Storage Tank Systems.

(1) General.

(a) Repairs.

(a)1. Repairs shall be performed if any component of a storage tank system ~~has is discovered to have:~~

1a. ~~A release or discharge. Discharged or has contributed to a~~ release or discharge of a regulated substance;

or

b. ~~A release of regulated substances or AST water bottoms into secondary containment;~~

2e. The presence of groundwater in the interstice of an underground double-walled pipe; or

3d. An operational or structural problem that could potentially result in a ~~discharge or release or discharge or~~ lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.

(b)2. The storage tank system shall immediately cease operating, dispensing and accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and

2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shutdown of electrical generating units serviced by the storage tank system. If repairs are required for any component or part of a storage tank system, and the nature of the repair activities or the condition of the component or part of the system requiring a repair may result in a release, and the component or part cannot be otherwise isolated from the system, the storage tank system shall be taken out of operation until the tank has been repaired or replaced. The restrictions against storage tank system operation shall not apply if the system contains heating oil or other fuels used solely for the generation of electricity where the removal of the storage system from service would result in the shut down of electrical generating units serviced by the system.

(c)3. Repairs shall be made:

1a. ~~To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure for the remaining operational life of the storage tank system; and In a manner that will prevent discharges from structural failure or corrosion for the remaining operational life of the storage tank system;~~

2b. In accordance with manufacturer's specifications and ~~NFPA Standard 30 or other applicable reference requirementsstandards;~~ and

e. ~~To restore the structural integrity of the storage tank system.~~

(d)4. Repairs shall be evaluated and performed in accordance with *Standard for Repair of Shop Fabricated Aboveground Tanks*, STI SP031, 4th Edition, November 2008, STI, Published by Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047, hereby adopted and incorporated by reference and available from the address given, or other equivalent procedures. Repaired components shall be tightness tested, pressure tested, or tested for a breach of integrity, as applicable, before being placed back into service.

(e)5. Repaired tanks, integral piping, sumps, and spill containment systems shall be integrity tested for liquid tightness before being placed back into operation. Repairs to fiberglass reinforced plastic tanks shall be made by an authorized representative of the tank manufacturer or its successor, or in accordance with subsection 62-762.501(2), F.A.C.

(f)6. Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or

repaired. Repairs of pPipe sections, sump penetration fittings and pipe fittings shall may be made repaired in
accordance with applicable requirements standards in subsections 62-762.501(4) and (5)-62-762.501(3), F.A.C.
Replacement of additional lengths of single-walled piping in contact with the soil are exempt from the requirements
for secondary containment, provided that:

1a. The piping system does not have, or will not have to install, secondary containment until the deadlines
established in Rule 62-762.501-62-762.511, F.A.C.; and

2b. The length of replacement or additional piping is less than 25% of the total length of the existing integral
piping for the individual tank, or 100 feet, whichever is more less-for each repair event.

(2)(b) Cathodic and corrosion protection.

(a)1. Cathodic and corrosion protection systems shall be installed, operated and maintained to provide
continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in
contact with the soil or within interstitial spaces using vapor corrosion inhibitor technologies.

(b)2. Inspection and testing requirements.

1a. General. Storage tank systems equipped with any type of cathodic protection must be inspected, and tested,
and evaluated by or under the direction of a Corrosion Professional or a Cathodic Protection Tester within six
months of installation or repair and at least every year, or every three years for factory installed (galvanic) cathodic
protection systems, thereafter in accordance with the criteria contained in SP0169-2013 and *External Corrosion*
Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011, 2011
Edition, NACE International, Published by NACE International, 1440 South Creek Drive, Houston, TX 77084-
4906, hereby adopted and incorporated by reference, and is available from the address given, as applicable. All
cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or
use temporary field test stations for required testing in accordance with this subparagraph thereafter in accordance
with the criteria contained in NACE International RP-0169-96 and RP-0193-93, as applicable. Factory installed
(galvanic) cathodic protection systems may be tested every three years.

2b. Storage tank systems equipped with impressed current systems. Storage tank systems with impressed
current systems shall be inspected at intervals not exceeding once every 60 days two months. All sources of
impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power
consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure.
Impressed current systems that are inoperative for a cumulative period exceeding 2976 1440 hours in one year shall
be assessed within 30 days by a Corrosion Professional to ensure that the storage tank system is structurally sound,
free of corrosion holes, and operating in accordance with the design criteria or be taken out-of-service and assessed
by a Corrosion Professional before being returned to service. Revised language, increased hours

(c)e. Records of the continuous operation of impressed current systems and all cathodic protection
inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C.
Sacrificial anode systems. Storage tank systems with sacrificial anodes shall either have permanent test stations for
soil to structure potential measurements or use temporary field test stations for annual testing in accordance with
sub-subparagraph 62-762.701(1)(b)2.a., F.A.C.

(d)3. Storage tank systems with cathodic protection systems that have been determined by a Corrosion
Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the
design criteria shall:

1a. Be repaired within 90 days in accordance with paragraph 62-762.701(1)(c), or paragraph 62-762.702(1)(c)
sub-subparagraph 62-762.701(1)(b)2.a., F.A.C., or

2b. Be closed placed out-of-service in accordance with subsection 62-762.801(2), or subsection 62-762.802(3)
62-762.801(1), F.A.C.

4. Records of the continuous operation of impressed current systems and all cathodic protection inspection
and testing activities shall be maintained in accordance with paragraph 62-762.701(1)(b), F.A.C.

(3) Vapor Corrosion Inhibitor Systems.

(a) Vapor Corrosion Inhibitor systems, if installed, shall be operated and maintained to provide continuous
corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed
spaces for storage tank systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under
the direction of a Corrosion Professional within six months of installation or repair and at least every year thereafter.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's
instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be

maintained in accordance with paragraph 62-762.711(3)(b), F.A.C.

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days and be retested within 90 days from the date of replenishment; or
2. Be closed in accordance with subsection 62-762.801(2), F.A.C.

(4)(e) Operation and maintenance.

(a) Integrity testing.

1. The integrity of secondary containment systems and interstitial spaces shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications or **PE1/RP1200-12**. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule: Spill containment devices, dispenser liners, and piping sumps shall be maintained to provide access for monthly examination and water removal as necessary. Water collected in spill containment devices, or in piping sumps and dispenser liners that is above the opening of the integral piping connection, or any regulated substances collected in these storage tank system components shall be removed and be either reused or properly disposed of.

a. Double-walled storage tanks and below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;

b. Below-grade piping sumps **by October 13, 2018, and every three years thereafter; EPA Rule**

c. Below-grade dispenser sumps **by October 13, 2018, and every three years thereafter;**

d. The interstice of below-grade double-walled integral piping within five years of *(effective date of the rule)*, and every five years thereafter;

e. Below-grade spill containment systems within one year of *(effective date of the rule)*, and at intervals not exceeding every three years thereafter; and

f. Below-grade hydrant sumps within one year of *(effective date of the rule)*, and every three years thereafter.

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level four inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket, and hydrant sumps which shall be tested by filling the pit with at least four inches of water above the highest penetration. The secondary containment system shall be deemed tight if the water level remains stationary for a three hour period. Owners or operators shall ensure that the volume available in the tank is greater than the volume of regulated substances to be transferred to the tank before the transfer is made and shall ensure that any transfer is repeatedly monitored to prevent overfilling and spilling.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. All release detection devices shall be tested annually to ensure proper operation. The test shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed.

(b)4. Water removal. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substances collected in secondary containment, spill containment systems, or in piping sumps and dispenser sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

(c)5. Exterior Coatings shall ~~may~~ be maintained to prevent corrosion in accordance with SSPC PA-1.

6. ~~Regardless of the method of release detection used, inventory control shall be performed for ASTs containing vehicular fuel that do not have secondary containment.~~

(5)(2) Stormwater management for secondary containment systems.

(a) The removal or release of stormwater from a facility should be performed in accordance with all applicable Department rules (for example, Chapter 62-25, F.A.C., Regulation of Stormwater Discharge). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

(b) Accumulated stormwater shall:

1. Be drawn off within one week after a rainfall event unless another frequency is allowed by the facility's stormwater discharge permit or by another instrument, such as a Spill Prevention Control Countermeasure Plan or a Department permit; and

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated substances.

(c) If gravity drain pipes are used to remove water from the dike field areas, all valves shall be kept closed except when the operator is in the process of draining water.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., which is designed to allow filtration of water and prevent discharges of contaminated water.

(3) ~~API 653 inspections. Category B and Category C tanks. Initial examinations for AST Category A and Category B tanks shall be completed by December 31, 1999.~~

(6)(4) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems in contact with the soil associated with shop fabricated storage systems shall meet the requirements of subsection 62-762.702(6), F.A.C. Testing for piping in contact with soil.

(a) Small diameter piping shall be tightness tested before being placed back into service whenever dispensers connected to that piping are replaced or whenever the piping has been disconnected and then reconnected.

(b) Hydrant piping and bulk product piping shall be pressure tested in accordance with paragraph 62-762.641(3)(e), F.A.C., before being placed back into service.

(5) Bulk product piping extending over surface water shall:

(a) Be tested annually in accordance with Title 33, Part 156.170, Code of Federal Regulation; and

(b) Be maintained and operated in accordance with Title 33, Part 154, as applicable.

(6) Secondary containment systems shall be repaired as necessary to maintain product tightness and containment volume of the system, including sealing cracks in concrete, repairing punctures, and maintaining containment walls. If the storage tank secondary treatment system has a crack, puncture, or other defect that compromises the system's product tightness, the system shall be repaired in accordance with paragraph 62-762.501(1)(e), F.A.C.

(7) Overfill protection shall be performed in accordance with API RP 2350 and NFPA 30, Section 2-10, for each field-erected AST that receives fuel by mainline pipeline or marine vessels.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended _____.

62-762.702 Repairs, Operation and Maintenance of Field Erected Storage Tank Systems.

(1) Repairs.

(a) Repairs shall be performed if any component of a storage tank system has:

1. A release or discharge or has contributed to a release or discharge of a regulated substance; or

2. The presence of groundwater in the interstice of an underground double-walled pipe; or

3. An operational or structural problem that could potentially result in a release or discharge, or lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.

(b) The storage tank system shall immediately cease operating and accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and

2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shutdown of electrical generating units serviced by the storage tank system.

(c) Repairs shall be made:

1. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure or corrosion for the remaining operational life of the storage tank system; and

2. In accordance with manufacturer's specifications and applicable reference requirements.

(d) Repaired components shall be integrity tested for liquid tightness before being placed back into operation.

(e) Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or repaired.

Repairs of pipe sections, sump penetration fittings and pipe fittings shall be made in accordance with applicable requirements in subsections 62-762.502(4) and (5), F.A.C. Replacement of additional lengths of single-walled piping in contact with the soil are exempt from the requirements for secondary containment, provided that:

1. The piping system does not have, or will not have to install, secondary containment until the deadlines established in Rule 62-762.502, F.A.C.; and

2. The length of replacement or additional piping is less than 25% of the total length of the existing integral piping for the individual tank, or 100 feet, whichever is more for each repair event.

(2) Cathodic and corrosion protection.

(a) Cathodic and corrosion protection systems shall be operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil or within interstitial spaces using vapor corrosion inhibitor technologies.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year, or every three years for factory installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in SP0169-2013 and SP0285-2011. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

2. Storage tank systems equipped with impressed current systems shall be inspected at intervals not exceeding 60 days. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 2976 hours in one year shall be assessed within 30 days by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria or taken out-of-service and assessed by a Corrosion Professional before being returned to service.

(c) Records of the continuous operation of impressed current systems and all cathodic protection inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1. Be repaired within 90 days in accordance with paragraph 62-762.702(1)(c), F.A.C., or
2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(3) Vapor Corrosion Inhibitors Systems.

(a) Vapor Corrosion Inhibitor systems, if installed, shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed spaces for storage tank systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within six months of installation or repair and at least every year thereafter.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(b), F.A.C.

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days in and be retested within 90 days from the date of replenishment; or
2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(4) Operation and maintenance.

(a) Integrity testing

1. The integrity of secondary containment systems and interstitial spaces shall be verified by performing an interstitial or containment integrity test in accordance with API Std 653. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule:

- a. Double-walled storage tanks and below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;
 - b. Below-grade piping sumps by October 13, 2018, and every three years thereafter; EPA Rule
 - c. The interstice of below-grade double-walled integral piping within five years of (effective date of the rule), and every five years thereafter;
 - d. Below-grade spill containment systems within one year of (effective date of the rule), and at intervals not exceeding every three thereafter; and
 - e. Below-grade hydrant sumps within one year of (effective date of the rule), and every three years thereafter.
2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling

the secondary containment system with water to a marked level four inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket, and hydrant sumps which shall be tested by filling the pit with at least four inches of water above the highest penetration. The secondary containment system shall be deemed tight if the water level remains stationary for a three hour period.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(b) Water removal.

1. Interstitial spaces and sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substances collected in secondary containment or in sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

(c) Exterior Coatings shall be maintained to prevent corrosion.

(4) Stormwater management for secondary containment systems.

(a) The removal of stormwater from a facility should be performed in accordance with all applicable Department rules. Owners and operators are advised that other federal, state, or local requirements apply to these activities.

(b) Accumulated stormwater shall:

1. Be drawn off within one week after a rainfall event unless another frequency is allowed by the facility's stormwater discharge permit or by another instrument, such as a Spill Prevention Control Countermeasure Plan or a Department permit; and

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated substances.

(c) If gravity drain pipes are used to remove water from the dike field areas, all valves shall be kept closed except when the operator is in the process of draining water.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., that is designed to allow filtration of water and prevent discharges of contaminated water.

(5) Evaluation and testing. Tanks shall be evaluated and the re-testing frequency established and implemented in accordance with API Std 653. Storage tanks shall be evaluated at the time of installation. Evaluations shall be certified by a professional engineer licensed in the State of Florida, or approved by an API Std 653 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API Std 650 and API Std 653. All field-erected tanks shall be repaired in accordance with API Std 653. Field erected tanks with storage capacities of less than 250,000 gallons may be evaluated in accordance with STI SP001, in lieu of API Std 653.

(6) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems. Single-walled metallic bulk product and hydrant piping systems in contact with the soil, excluding those containing high viscosity products, shall be evaluated and the re-testing frequency established and implemented in accordance with API 570. Evaluations shall be certified by a professional engineer licensed in the State of Florida or by an API 570 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API 570. All single-walled metallic bulk product and hydrant piping systems in contact with the soil shall be repaired in accordance with API Standard 570.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New

62-762.711 Recordkeeping.

(1) All records, whether in paper or electronic format, shall be dated, maintained in permanent form, and available for inspection by the Department or County. If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon five working days of receipt of the Department's or County's request notice. Site access to the facility shall be provided for compliance inspections conducted at reasonable times.

(2) Records of the following generated on or after *(effective date of rule)*, are required to be kept for three two years. Records of the following generated before *(effective date of rule)*, are required to be kept for two years:

(a) Measurements and reconciliations of inventory, as applicable;

(b) Repair, operation, and maintenance records;

(c) All release detection results performed, including electronic test results, regardless of the frequency,

and monthly visual inspections performed in accordance with paragraphs 62-762.601(1)(e), and 62-762.602(1)(e) 62-762.641(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;

(c)(d) All test data and results gathered during annual operability tests and integrity tests; and Release detection response level descriptions;

(d)(e) Records of the types of fuels stored per tank. A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-762.851, F.A.C.;

(f) Certification of Financial Responsibility on Form 62-761.900(3);

(g) Records of types of fuels stored per tank; and

(h) The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.

(3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:

(a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment; Results of internal inspections and non-destructive testing;

(b) Any performance claims for release detection equipment described in writing by the equipment manufacturer or installer;

(c) Records of storage tank system installations, replacements, recertifications, and upgrades;

(c)(d) Records of installation, maintenance, inspections, and testing of corrosion cathodic protection systems in accordance with NACE, a corrosion professional or STI standards;

(d)(e) Survey drawings as specified in paragraphs 62-762.501(1)(i), and 62-762.502(1)(i), F.A.C. Site suitability determinations in accordance with subsection 62-762.641(2), F.A.C.

(e)(f) A copy of all INFs, and the results of all incident investigations as specified in Rule 62-762.431,

F.A.C.; Vapor monitoring plans and all records kept pursuant to the plan; and

(f)(g) A copy of all DRFs; Closure assessment reports if the location continues as a facility.

(g)(h) A copy of all documents required in Rules 62-762.801, and 62-762.802, F.A.C., if the location continues as a facility;

(h) Results of internal inspections and non-destructive testing;

(i) Records documenting compliance with subparagraphs 62-762.501(1)(b)3., and 62-762.502(1)(b)3., F.A.C., for storage tanks systems with secondary containment constructed of concrete installed after (*effective date of the rule*); and

(j) Records to demonstrate insurance as the method of financial responsibility for storage tank systems shall be maintained in permanent form if no contamination has been reported or if no Site Rehabilitation Completion Order (SRCO) has been issued pursuant to Chapter 62-780, F.A.C. Records demonstrating financial responsibility for storage tank systems through other permitted methods shall be maintained for the duration of the effective period of that financial responsibility method.

(4) The Department strongly encourages that all records relating to financial responsibility be maintained permanently.

Rulemaking Specific Authority 376.303, 403.091 FS. Law Implemented 376.303, 403.091 FS. History—New 6-21-04, Amended _____.

62-762.801 Out-of-Service and Closure Requirements for Shop Fabricated Storage Tank Systems.

(1) Temporary out-of-service. Field erected storage tank systems taken temporarily out-of-service shall:

(a) Continue to operate and maintain corrosion protection in accordance with paragraph 62-762.701(1)(b), F.A.C.;

(b) If the tank system has an external release detection method, perform release detection monthly in accordance with applicable provisions of Rules 62-762.601-.641, F.A.C.; and

(c) Leave venting systems open and functioning.

(2) Out-of-service storage tank systems.

(a) General.

1. Storage tank systems that are taken out-of-service, as required in this subsection defined in subsection 62-762.201(53), F.A.C., shall continue to be maintained in accordance with this Rule.;

Master Draft Oct2015

2. Facility owners and operators of out-of-service storage tank systems shall:

- a. Continue to operate and maintain corrosion protection in accordance with subsection 62-762.701(2) paragraph 62-762.701(1)(b), F.A.C.;
 - b. Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-762.641(2), F.A.C.;
 - c. Leave vent lines open and functioning;
 - d. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of the regulated substances remains in the storage tank. Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and
 - e. Secure or close off the system to outside access.
2. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.
3. Release detection device annual operability testing, containment and integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems that have been out-of-service for more than 365 days must be evaluated in accordance with the following prior to being returned to service: Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out-of-service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-762.801(3), F.A.C.
- a. STI SP001 for shop fabricated tanks; and
 - b. Integrity tested in accordance with Rule 62-762.701, F.A.C., for integral piping in contact with the soil.
4. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.801(2)(b), F.A.C. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-762.641(3), F.A.C., as applicable, on any systems being returned to service.
- 5.(b) Storage tank systems without secondary containment shall not remain in a continuous out-of-service status for more than five years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.801(2)(b), F.A.C. Before the expiration of this five year time period, any remaining product and sludges shall be removed, and a closure assessment shall be performed in accordance with subsection 62-762.801(4), F.A.C. for:
1. AST Category A and Category B systems, regardless of when taken out of service, by December 31, 1999; or
 2. Systems taken out of service after July 13, 1998.
- (c) Out of service tanks that are returned to service shall be:
1. Inspected and evaluated in accordance with subparagraph 62-762.501(3)(b)1., F.A.C., for shop fabricated tanks; or
 2. Structurally evaluated in accordance with API Standard 653 for field erected tanks, unless the system has been out of service for less than six months.
- (d) Field erected tanks changing the type of product stored within the tank shall comply with API Standard 653, Section 2.2.4.
- (2)(3) Closure of storage tank systems.
- (a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: General.
1. A storage tank system that is out-of-service and has not had regulated substances added to or withdrawn from the system for more than: Closure of storage tank systems shall be performed by:
 - a. Five years for single-walled storage tank systems; or Removing all liquids and accumulated sludges;
 - b. Ten years for storage tank systems with secondary containment. Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;
 - c. Closing the storage tank system in accordance with paragraph 62-762.801(3)(b), F.A.C., as applicable; and
 - d. Conducting a closure assessment in accordance with subsection 62-762.801(4), F.A.C.
 2. A storage tank system that fails to meet or, if required, is not modified to meet the storage tank system requirements of Rule 62-762.501, F.A.C. After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

3. A storage tank system that requires repair pursuant to Rule 62-762.701, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed. ~~Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-762.601(1)(k), F.A.C.~~

(b) Closure of storage tank systems shall be performed by: ~~Unmaintained systems shall be permanently closed within 90 days of discovery.~~

1. Conducting a Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(7), F.A.C., and completing the Closure Integrity Evaluation Report Form 62-761.900(7) (Closure Integrity Report). The form shall be submitted in paper or electronic format to the appropriate County;

2. Removing all liquids and accumulated sludges. The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements.

3. Removing or disconnecting and capping all integral piping;

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with NFPA 30, Chapter 22. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks and single-walled integral piping in contact with the soil, an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, 2015 Edition, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, hereby adopted and incorporated by reference and available at the address given in subsection 62-761.211(2)(e), F.A.C.; and

6. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes.

7. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed.

(c) The tank shall be rendered free of pollutant vapors at the time of closure to prevent hazardous explosive conditions, and maintained to prevent future explosive conditions.

(d) The tank shall be protected from flotation in accordance with NFPA 30, Section 2-6.

(3)(4) Closure Integrity Report, Closure Report, and Limited Closure Report-Closure assessment of storage tank systems.

(a) Closure Integrity Report. A Closure Integrity Evaluation is not required for shop fabricated tanks and components that are not in contact with soil, however, a visual evaluation of the tank system is required. At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.

1. A Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(7), F.A.C., must be performed no more than 45 days prior to closure or replacement for all double-walled storage tanks, double-walled integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil. A Closure Integrity Report must be completed to document the findings of the Closure Integrity Evaluation. If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.

2. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled tanks, integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations. Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

3. A Closure Integrity Evaluation for single-walled piping sumps, dispenser sumps, and spill containment systems that are **completely below grade** requires a hydrostatic test or another test approved by the manufacturer.

4. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

5. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule

62-762.431, F.A.C. If sampling is necessary to determine whether a discharge has occurred, then an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, regardless of the date of installation of the storage tank system or system component being closed.

6. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.801(3)(a)1., F.A.C., before the storage tank system or system component has been removed or closed in-place, regardless of the date of installation of the storage tank system or system component, shall conduct an investigation at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement. The Closure Report shall be prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP's "Storage Tank System Closure Assessment Requirements";

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure;

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-762.641(3)(a), F.A.C.;

4. Double-walled shop-fabricated aboveground tanks; and

5. Aboveground systems with storage capacities less than 1,100 gallons that are upgrading with secondary containment, and that are elevated from and not in contact with the soil. Instead of performing a closure assessment, a visual inspection may be performed of the system and the ground surface underneath it for signs of a discharge. Written certification shall be provided to the County within 10 days after installation of the secondary containment, documenting that there has been no discharge.

(c) Limited Closure Report. Form 62-761.900(8), Limited Closure Report Form, hereby adopted and incorporated by reference, shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances: Closure assessment sampling and analysis shall be conducted according to DEP's "Storage Tank System Closure Assessment Requirements."

1. Where a Closure Integrity Evaluation passed,

2. Where a failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur,

3. Where a Closure Integrity Evaluation or Closure Report were not required because the closure only involved a storage tank system or system components that were not in contact with the soil. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###.

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-762.801(4)(a), F.A.C. The report shall include sample types, sample locations and measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP's "Storage Tank System Closure Assessment Requirements."

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended ____.

62-762.802 Out-of-Service and Closure Requirements for Field Erected Storage Tank Systems.

(1) Temporary out-of-service. Field-erected storage tank systems taken temporarily out-of-service are those that are emptied solely for the purpose of cleaning, routine maintenance, or change of product for a time period

Master Draft Oct2015

exceeding ninety days, but less than 365 days. These storage tank systems shall:

(a) Continue to operate and maintain corrosion protection in accordance with subsection 62-762.702(2), F.A.C.;

(b) Perform release detection monthly in accordance with applicable provisions of Rule 62-762.602, F.A.C., if the tank system has an external release detection method;

(c) Leave venting systems open and functioning; and

(d) Be returned to in-service status or be designated as out-of-service within 365 days of being taken temporarily out-of-service.

(2) Out-of-service storage tank systems.

(a) General.

1. Storage tank systems that are taken out-of-service, as required in this subsection, shall continue to be maintained in accordance with this Chapter unless otherwise noted herein.

2. Facility owners and operators of out-of-service storage tank systems shall:

a. Continue to operate and maintain corrosion protection in accordance with subsection 62-762.702(2), F.A.C.;

b. Leave vent lines open and functioning;

c. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of the regulated substances remains in the storage tank; and

d. Secure or close off the system to outside access.

3. Facility owners and operators of out-of-service storage tank systems shall monitor tank bottom release detection systems or devices annually but not to exceed 12 months. Records of these inspections shall be maintained in accordance with subsection 62-762.711(2), F.A.C. In the event that there is any positive response of a tank bottom release detection device, an INF must be submitted in writing or electronic format and an investigation as to the cause performed pursuant to Rule 62-762.431, F.A.C.

4. Release detection device annual operability testing, containment and interstitial integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All afore-mentioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, before being returned to service, storage tank systems that have been out-of-service for more than 365 days must be:

a. Structurally evaluated in accordance with API Std 653 for field-erected tanks; and

b. Integrity tested in accordance with Rule 62-762.702, F.A.C., for integral piping.

5. Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of ten continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.802(3)(b), F.A.C.

6. Storage tank systems without secondary containment shall not remain in a continuous out-of-service status for more than five years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.802(3)(b), F.A.C.

7. Field-erected tanks changing the type of product stored within the tank shall comply with API Std 653.

(3) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection:

1. A storage tank system that is out-of-service and has not had regulated substances added to or withdrawn from the system for more than:

a. Five years after (effective date of the rule), for single-walled storage tank systems; or

b. Ten years after (effective date of the rule), for storage tank systems with secondary containment.

2. A storage tank system that fails to meet or, if required, is not modified to meet the Storage Tank System requirements of Rule 62-762.502, F.A.C.

3. A storage tank system that requires repair pursuant to Rule 62-762.702, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed.

(b) Closure of storage tank systems shall be performed by:

1. Conducting a Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(8), F.A.C., and completing the Closure Integrity Evaluation Report Form 62-761.900(7) (Closure Integrity Report). The form shall be submitted in paper or electronic format to the appropriate County;

2. Removing all liquids and accumulated sludges. The removal and disposal of all liquids and accumulated sludges may be required according to other local, state, and federal requirements;

3. Removing or disconnecting and capping all integral piping;

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with NFPA 30, Chapter 22. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks and single-walled integral piping in contact with the soil, an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*;

6. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes; and

7. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed to determine if any discharges have occurred.

(4) Closure Integrity Report, Closure Report, and Limited Closure Report.

(a) Closure Integrity Report.

1. A Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(8), F.A.C., must be performed no more than 45 days prior to closure or replacement for all double-walled and double-bottomed storage tanks, double-walled integral piping and hydrant sumps **in contact with soil**. Spill containment systems that are completely below-grade also require a Closure Integrity Evaluation. A Closure Integrity Report must be completed to document the findings of the Closure Integrity Evaluation.

2. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled and double-bottomed tanks, integral piping and hydrant sumps that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations.

3. A Closure Integrity Evaluation for single-walled hydrant sumps that are in contact with the soil and spill containment systems that are completely below-grade require a hydrostatic test or another test approved by the manufacturer.

4. Storage tank system and system components not in contact with soil do not require a closure integrity evaluation.

5. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

6. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule 62-762.431, F.A.C. If sampling is necessary to determine whether a discharge has occurred, then an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, regardless of the date of installation of the storage tank system or system component being closed.

7. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.802(3)(a)1., F.A.C., before the storage tank system or system component has been removed or closed in-place, regardless of the date of installation of the storage tank system or system component, shall conduct an investigation at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement. The Closure Report shall be prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(c) Limited Closure Report. Form 62-761.900(8), Limited Closure Report Form, hereby adopted and incorporated by reference, shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances:

1. Where a Closure Integrity Evaluation passed,

2. Where a failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur.

3. Where a Closure Integrity Evaluation or Closure Report were not required because the closure only involved a storage tank system or system components that were not in contact with the soil. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New

62-762.821 Incident and Discharge Response.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Repealed

62-762.851 Alternative Procedures Requirements and Equipment Registration Approvals.

(1) Alternative Procedure requirements.

(a) Any person subject to the provisions of this Chapter may request in writing a determination by the Secretary or the Secretary's designee that any requirement of this Chapter shall not apply to a regulated storage tank system at a facility, and shall request approval of alternative alternate procedures or requirements.

(b) On Form 62-761.900(4), Alternative Requirement or Procedure Form, *(effective date of the rule)*, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or www.flrules.org/Gateway/reference.asp?No=Ref-000###, the request shall set forth at a minimum the following information:

1. The specific storage tank system or facility for which an exception is sought;
2. The specific provisions of this Chapter-62-762, F.A.C., from which an exception is sought;
3. The basis for the exception;
4. The alternative procedure or requirement for which approval is sought;

5. Documentation that demonstrates that the alternative procedure or requirement provides an equivalent or greater degree of protection for the lands, surface waters or groundwaters of the State as the specific provisions of this Chapter from which an alternative procedure is sought-established requirement; and

6. Documentation that demonstrates that the alternative procedure or requirement is at least as effective as the established procedure or requirement.

7. If an alternative alternate procedure or requirement is not able to be sought under subparagraph 5. or 6., then documentation that demonstrates that the specific provisions of this Chapter from which the exception is sought imposes regulatory costs on the regulated entity that could be reduced through approval of a less costly regulatory alternative or requirement that provides a substantially equivalent degree of protection for the lands, surface waters, or groundwaters of the State as the established requirement.

(c) The Department shall issue an Order within 60 days of the receipt of a completed Alternative Requirement or Procedure Form either: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(1), F.A.C., are met.

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-761.850(1)(b), F.A.C.; or

2. Denying the request and stating the reason(s) the request does not make an adequate demonstration that the requirements of paragraph 62-762.851(1)(b), F.A.C., have been met.

(d) The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S. The Department's failure to timely issue an Order does not grant or approve the request.

(e) The provisions of this Rule do not preclude the use of any other applicable relief provisions.

(f) Facilities where an alternative procedure was previously approved by the Department may continue to operate using the conditions of the alternative procedure issued by the Department.

(2) Registration of storage tank system equipment and release detection systems and methods-Equipment approvals.

(a) Owners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods (including equipment and methods that were previously approved by the Department under the former Equipment Approval process) have been registered with the Department. Storage tank

system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:

(b) Any storage tank system equipment installed after (effective date of the rule), must be registered with the Department in accordance with this section. Upon discovery, non-registered storage tank system equipment installed after (effective date of the rule), must be removed within 90 days, unless registration is obtained and listed within the 90 day time period.

(c) Equipment previously approved by the Department under the former Equipment Approval process and installed prior to (effective date of the rule), can continue to be used regardless of later non-renewal or removal of registration from the list of registered storage tank system equipment, provided the equipment is still operating as designed and installed.

(d) Only the storage tank system equipment as stated in this Chapter shall be registered by the equipment manufacturer using Form 62-761.900(3), Storage Tank Equipment Registration Form, (Equipment Registration Form) effective date (effective date of the rule), hereby adopted and incorporated by reference. Copies of the Equipment Registration Form are available from the Department of Environmental Protection, Division of Waste Management, MS 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###. The following storage tank system equipment is exempt from registration:

1. Dispensers, dispenser islands, nozzles, and hoses;
2. ~~Monitoring well bailers;~~
3. Manhole and fillbox covers;
34. Valves;
45. Cathodic protection test stations;
56. ~~Metallic bulk product piping;~~
67. Small diameter piping not in contact with soil, unless the piping extends over or into surface waters;
78. Vent lines; ~~and~~
89. AST vents; ~~and~~
9. Gauges used for vacuum and pressure monitoring.

~~(e)(b)~~ Equipment registration ~~Equipment approval requests~~ shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will provide equivalent protection or meet the appropriate performance requirements standards contained in this Chapter. Any approvals or denials received from other states or countries shall be included in the registration approval request to the Department.

~~(f)(e)~~ A third-party demonstration by a Nationally Recognized Testing Laboratory shall be submitted in writing or electronic format to the Department with the application. The third-party demonstration shall provide:

1. A technical evaluation of the equipment;
2. Test results that verify that the equipment will function as designed; and
3. A professional certification or determination that the equipment meets the performance requirements standards contained in this Chapter; ~~Rule 62-762.501, F.A.C.~~
4. Integrity test requirements and procedures; and
5. Annual operability testing procedures for the equipment or release detection system or method.

~~(g)(d)~~ Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection prior to being used. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(2), F.A.C., are met.

~~(h)(e)~~ The storage tank system equipment and release detection systems and methods registered with the Department under this subsection must be renewed by the equipment manufacturer every five years. Failure to renew will result in removal from the equipment registration list. Any changes, improvements, or modifications to equipment beyond the scope of the original demonstration by the Nationally Recognized Testing Laboratory will require a renewal of the registration and a new demonstration from a Nationally Recognized Testing Laboratory pursuant to paragraph 62-762.851(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) The Department shall only place conditions upon the use of the storage tank system equipment and release detection systems and methods, remove equipment or methods from the list of registered storage tank system equipment, or not renew registration if:

1. The information submitted to the Department is not in accordance with this subsection;

2. The equipment does not perform in field application as certified in the third party certification by a Nationally Recognized Testing Laboratory; or

3. The equipment is not constructed in accordance with the approved registration or applicable Reference Guidelines. *Restructured paragraph*

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended

62-762.891 Mineral Acid Storage Tank Requirements.

The purpose of this Rule is to minimize the occurrence and environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid if at least 20% by weight of the solution is one of the five listed acids. Mineral acid storage tank systems are only subject to Rule 62-762.891, F.A.C.

(1) Definitions. All words and phrases defined in Section 376.321, F.S., shall have the same meaning when used in this Rule unless specifically stated otherwise in this Rule. See Section 376.321, F.S., for the definition of the following terms: "Aboveground," "Mineral Acids," "Nonresidential," "Operator," "Owner," and "Permitted wastewater treatment system." The following words, phrases, or terms used in this Rule, unless the context indicates otherwise, shall have the following meaning:

(a) "Aboveground" means that more than 90 percent of a tank volume is not buried below the ground surface. An aboveground tank may either be in contact with or elevated above the ground.

(b) "Containment and integrity plan" or "CIP" means a document designed, created, and maintained at a facility, which shall be considered a public record and made available pursuant to the provisions of Chapter 119, F.S. The CIP establishes procedures for the inspection and maintenance program for tanks storing mineral acids at that facility. The inspection and maintenance program shall be designed for the chemical and physical characteristics of the specific mineral acid stored, and for the specific materials of construction of the tank. The CIP shall be designed to ensure control of the specific mineral acid for the expected lifetime of the tank. Form 62-762.891(1) Containment and Integrity Plan Certification Form, effective date, *(effective date of the rule)*, is hereby adopted and incorporated by reference, and copies are available from the Division of Waste Management, Department of Environmental Protection, M.S. 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###.

(b) "County" means a locally administered governmental program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

(c) "Discharge" includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any mineral acid which occurs and which affects lands and the surface and ground waters of the state.

(d) "Discovery" means, as related to a discharge, initial detection of mineral acids in ground water or surface water, or the initial detection of soil contamination, resulting from the discharge of mineral acids in quantities greater than the amounts reportable in this Rule Rule 62-762.891, F.A.C.

(e) "Existing storage tank" means a tank that was installed on or before January 7, 1992. Installation is considered to have begun if:

1. The owner or operator has obtained, or has applied for, all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank; and

2. Either a continuous on-site physical construction or installation program has begun or the owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial economic loss.

(f) "Facility" means any non-residential location or part thereof containing an aboveground tank or tanks that contain specified mineral acids that have an individual storage capacity greater than 110 gallons.

(g) "Flow-through process tank" means an aboveground tank that contains hazardous substances or specified mineral acids and that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include, but are not limited to, seal tanks, vapor recovery units, surge tanks, blend tanks, feed tanks, check and delay tanks, batch tanks, oil-water separators, or tanks in which mechanical, physical, or chemical change of a material is accomplished.

(h) "Inspection and maintenance plan" means a plan that establishes the procedures used to prevent releases of mineral acids.

(i) "Liner" means an artificially constructed material of sufficient thickness, density, and composition that will contain the discharge of any specified mineral acid from an aboveground tank until such time as the mineral acid can

be neutralized and/or removed. The liner shall prevent any escape of specified mineral acids or accumulated liquid to the soil, surface water, or groundwater (except through secondary containment as provided in paragraph 62-762.891(1)(k)(p), F.A.C.).

(j) “Mineral acids” means hydrobromic acid (HBr), hydrochloric acid (HCl), hydrofluoric acid (HF), phosphoric acid (H₃PO₄), and sulfuric acid (H₂SO₄), including those five acids in solution, if at least 20% by weight of the solution is one of the five listed acids.

(l)(k) “New tank” means a tank that was installed after January 7, 1992.

(l) “Non-residential” means that the tank is not used at a private dwelling.

(m) “Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.

(n) “Owner” means any person owning an aboveground tank subject to Sections 376.320-.326, F.S.

(o) “Permitted wastewater treatment system” means a facility to which the Department has issued a permit to treat wastewater and release the treated product into the environment.

(k)(p) “Secondary containment” means a system that is used for ~~discharge-release~~ prevention, and may include one or more of the following devices:

1. A double-walled tank;

2. An external liner placed under and around each tank, sealed to its supports, and either designed and built to contain a minimum of 110% of the capacity of the largest tank within the containment; or equipped with a drainage system routed to a permitted wastewater treatment system or plant recirculating process system that is capable of containing any accidental release from the tank; or

3. A system or structure constructed such that accidental releases from a tank would be collected by a drainage system within the system or structure and routed to a permitted wastewater treatment system; or plant recirculating process system, or alternative containment system registered with approved by the Department in accordance with Rule 62-762.851, F.A.C.

(l)(q) “Stationary” means a tank or tanks not meant for multiple site use or that remain in one location at the facility site for a period of 180 days or longer.

(m)(r) “Tank” means an aboveground stationary device that is constructed primarily of non-earthen materials (e.g., concrete, metal, plastic, glass) that provides structural support and is designed primarily to contain mineral acids. Connected piping from the tank to and including the nearest cutoff valve shall be considered part of the tank for purposes of this definition. “Tank” does not include flow-through process tanks.

(n)(s) “Upgrade” means the replacement of a tank or the installation of secondary containment.

(2) Applicability.

(a) The requirements of this Rule apply to owners and operators of a facility with an aboveground-storage tank with a storage capacity of more than 110 gallons that contains mineral acids.

(b) The following systems are exempt from the requirements of this Rule:

1. Any mobile or skid tank that is moved at least every 180 days;

2. Any tank containing mineral acids that are less than 20% by weight of the solution;

3. Any tank of 110 gallons or less capacity that contains mineral acids;

4. Any flow-through process tank; ~~and~~

5. Any tank that is located in a completely enclosed building where a release of mineral acid would be contained within the building and not result in a discharge; and

6. Any tank containing mineral acids that are regulated as hazardous wastes under Subtitle C of the Resource Conservation and Recovery Act.

(3) Registration.

(a) The owner of any tank containing mineral acids, ~~that was not previously registered~~, shall register the tank within 10 days of its discovery with the Department on Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference.

(b) For tank installations, a ~~A~~-completed ~~R~~egistration ~~F~~orm shall be submitted in electronic or paper format to the Department ~~by July 1, 1992, or no later than 30 days after mineral acids are put into a new storage-tank previously unregistered~~. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldepportal.com/go/submit-registration/>, or the form can be obtained at www.flrules.org/Gateway/reference.asp?No=Ref-00###.

(c) For change in service status or closure pursuant to Rule 62-762.801, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department and filed with records maintained in accordance with Rule 62-762.891, F.A.C.

Master Draft Oct2015

(d) A completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days of the following changes or discovery:

1. Any change in the owner or operator of a facility or of a tank;
2. Any change or correction in the information reported in the Registration Form;

(4) Registration fees.

- (a) Registration fees are due from the owner or operator for all registered tanks as indicated in this subsection.
- (b) Registration fee schedule.

1. Within 30 days after receipt of notification by the Department, the following fees shall be submitted:

- a. \$50.00 per tank for each initial registration;
- b. \$25.00 per tank for annual renewal of tanks with capacities of 125,000 gallons or less; and
- c. One dollar per every 5,000 gallons of storage capacity, per tank, for annual renewal of tanks with capacities of greater than 125,000 gallons.

2. Total annual registration fees for renewals shall not exceed \$2,500.00 per facility.

(c) Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department or County and filed with records maintained in accordance with this section.

(5) Notification.

(a) The Department shall be notified of the certification or recertification of the CIP or the secondary containment system on Form 62-762.891(1) in writing or electronic format within 10 days of the completion of the form. The form shall be signed by a professional engineer licensed in the State of Florida, following items on Form 62-761.900(2):

1. The date and method of closure, at least 30 days before closure of a tank;

2. Any change in ownership of a tank, no later than 30 days after ownership has been transferred. The notice of change of ownership shall be provided by the transferor. The notice shall include a copy of the bill of sale or a letter of acceptance by the new owner;

3. Upgrading of a tank, at least 10 days before upgrading occurs, except for emergency replacements of tanks or connected piping required by an actual or anticipated discharge. Notification of emergency replacement shall be provided within 10 days after the emergency replacement.

4. Any change in registration form information, including any change in the identity of the material being stored.

(b) Notification of incidents. Within 72 hours or close of the County's next business day, the County shall be notified in writing or electronic format of any release into a secondary containment system of a mineral acid in excess of 110 gallons, or the reportable quantity in effect on July 1, 1991, under the Comprehensive Environmental Response Compensation and Liability Act of 1980, whichever is greater. The Department shall be notified of the certification of the CIP or the secondary containment system on Form 62-762.891(1) within 10 days of the completion of the form. The Containment and Integrity Plan Certification Form shall be signed by a professional engineer registered in the State of Florida.

(c) Within three working days of discovery, the Department shall be notified of any release into a secondary containment system of a mineral acid in excess of 110 gallons, or the reportable quantity in effect on July 1, 1991, under the Comprehensive Environmental Response Compensation and Liability Act of 1980, whichever is greater.

(6) Notification Reporting of discharges. Within 24 hours of discovery, or before the close of the County's next business day, Form 62-761.900(1) shall be used to report any discharge in writing or electronic format to the County exceeding:

1.(a) 100 pounds of hydrobromic or hydrofluoric acid;

2.(b) 1000 pounds of sulfuric acid; or

3.(c) 5000 pounds of hydrochloric or phosphoric acid.

(6)(7) Performance requirements standards for mineral acid tanks.

(a) General.

1. Existing tanks mineral acid storage facilities that were in operation after January 1, 1992, shall either be covered under have either a CIP or have secondary containment.

2. New tanks or replacement mineral acid tanks installed after July 1, 1992, shall have secondary containment.

(b) Secondary Containment.

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tank or tanks have secondary containment.

2. Secondary containment shall be recertified on Form 62-762.891(1) by a professional engineer licensed in

the State of Florida if a new tank is added to a facility or if there is a structural change to the containment.

Secondary Containment does not need to be reviewed and updated for tanks where there has been no structural change to the containment.

3. Secondary containment shall be properly maintained. Any cracks, degradation, punctures, or other similar defects to the integrity of the secondary containment shall be repaired. If repairs cannot be made to ensure the tank's original integrity, the tank shall be emptied.

(c)(b) Containment and Integrity Plans. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed and updated at least every two years by a professional engineer registered in the State of Florida. The CIP shall be made available for inspection by the Department, and shall address:

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance.

2. A CIP shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new mineral acid tank is added to a facility or if there is a structural change to the containment.

3. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed, updated, and recertified on Form 62-762.891(1) at least every two years by a professional engineer licensed in the State of Florida. The CIP shall be made available for inspection by the Department, and shall address:

a4. An inspection and maintenance program detailing: the qualifications of the person providing the inspection, the inspection and routine maintenance procedures, schedules used to evaluate and maintain the integrity of the tank, release detection procedures, and frequency of inspections and proper response to inspection findings.

a. The qualifications of the person providing the inspection;

b. The inspection and routine maintenance procedures;

c. Schedules used to evaluate and maintain the integrity of the tank, and secondary containment (if applicable);

d. Release detection procedures; and

e. Frequency of inspections and proper response to inspection findings.

b2. Materials of construction for each tank and compatibility of the mineral acid with the construction materials;

3. Secondary containment of tanks, if applicable;

c4. Location of surface water bodies near the tank and the potential for discharges to enter the surface water body or to move off-site;

d5. Discharge response procedures for containment and abatement;

e6. Cleanup procedures; and

7. For tanks without secondary containment, the CIP shall also address:

fa. Procedures and equipment for treating spill wastes;

gb. Procedures for disposing of spill wastes;

he. Containment and diversionary structures to prevent discharges from entering the nearby surface water bodies or moving off-site; and

jd. A demonstration of corrosion protection of the tank if the tanks are in contact with the soil.

(c) Containment and Integrity Plan alternatives. In place of the CIP, a certification may be provided to the Department by a professional engineer registered in the State of Florida that:

1. No mineral acid tank at the facility is in direct contact with the ground; and

2. A secondary containment system has been placed under and around each tank, and sealed to its supports. Secondary containment shall be either:

a. Designed and built to contain in excess of 110% of the capacity of the largest tank within the containment; or

b. Equipped with a drainage system routed to a permitted wastewater treatment system that is capable of containing any accidental release from the tank.

(d) Secondary containment. Tanks installed after July 1, 1992, shall have secondary containment and meet the requirements of this section before the tank is placed into active service. Liners used for secondary containment that are installed after July 13, 1998 shall meet the requirements of subparagraphs 62-762.501(1)(e)1.-3., F.A.C.

(e) Certification. A professional engineer registered in the State of Florida shall certify that:

1. The tanks covered by the CIP for that facility have been inspected and maintained in accordance with the

Master Draft Oct2015

CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance; or

~~2. The tank or tanks have secondary containment in accordance with this subsection.~~

(7)(8) Recordkeeping. Copies of The following records, as applicable, shall be dated, maintained in permanent form until tank closure, and made available for inspection by the Department or County, at reasonable times: If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon five working days of the Department's request.

(a) The ~~current~~ CIP Containment and Integrity Plan along with an up-to-date Form 62-762.891(1); or

(b) The ~~current~~ certification of secondary containment on Form 62-762.891(1); and

(c) ~~A copy of all DRFs.~~

(8)(9) Discharge response.

(a) When evidence of a discharge from a tank is discovered and reported in accordance with paragraph subsection 62-762.891(7)(d)-62-762.891(6), F.A.C., the owner or operator shall:

1. Remove as much of the mineral acid from the tank as necessary to prevent further discharge;

2. Repair the tank in accordance with original design specifications; and

3. If the storage tank cannot be repaired, all mineral acid shall be removed from the tank and the tank shall be permanently closed.

(b) Any owner or operator of a facility discharging mineral acids shall immediately undertake to contain, remove, neutralize, or otherwise abate the discharge under all applicable department Rules, for example Chapter 62-780, F.A.C.

(9)(10) Forms. The following forms are used by the Division of Waste Management for mineral acid tanks and are adopted and incorporated by reference in this section. The forms are listed by form number, subject title and effective date. Copies of forms are available by writing to the Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500, Tallahassee, Florida 32399-2400, or online at: www.flrules.org/Gateway/reference.asp?No=Ref-000###, or for electronic submittal of the Registration Form go to <http://www.fldepportal.com/go/submit-registration/>. Copies of forms may be obtained by writing to the Administrator, Storage Tank Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The following forms shall be used for mineral acid tanks:

(a) Form 62-761.900(1) Discharge Report Form, *(effective date of the rule)* Discharge Report Form 62-761.900(1), July 13, 1998.

(b) Form 62-761.900(2) Storage Tank Facility Registration Form, *(effective date of the rule)* Storage Tank Facility Registration Form 62-761.900(2), July 13, 1998.

(c) Form 62-762.891(1) Containment and Integrity Plan Certification Form, July 13, 1998 ~~Containment and Integrity Plan Certification Form 62-762.891(1), July 13, 1998.~~

Rulmaking Specific Authority 376.322(3), 403.087 FS. Law Implemented 376.321, 376.324, 376.325, 403.087 FS. History--New 6-21-04, Amended _____.

From: [Stafford, Robert](#)
To: [Burns, Bill](#)
Cc: [Stafford, Robert](#); [Curran, Kimberley](#)
Subject: AST Rule Language - Mineral Acid Tanks Section
Date: Monday, February 29, 2016 11:35:32 AM

Bill,

While I recognize it may be too late to comment on the AST rule amendments, I thought I'd suggest "clarification language" to the CIP section of the Mineral Acid tanks section of the AST Rule or perhaps to the CIP Form.

Opinion/Suggestion: For folks who use the Containment and Integrity Plan Certification Form (particularly an engineer who certifies the form) it may be a good idea to either provide the following clarification language highlighted in yellow below (either in the regulations or preferably on the Form) as follows. My experience with the CIP Form (62-762-891(1), is a level of confusion by the certifying engineer as to when to review/re-certify the form. For instance, some folks believe the form needs to be reviewed /re-certified every two years regardless of any changes to the facility (i.e. adding tanks, etc.) The language regarding when secondary containment certification is and is not required is very clear. I thought a similar statement for when the CIP needs to be reviewed/re-certified would be beneficial.

62-762.891 Mineral Acid Storage Tank Requirements

(b) Secondary Containment.

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tank or tanks have secondary containment.

2. Secondary containment shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new tank is added to a facility or if there is a structural change to the containment. **Secondary Containment does not need to be reviewed and updated for tanks where there has been no structural change to the containment.** (Very Clear and eliminates potential confusing with respect to DEP Form 62-762.891(1))

3. Secondary containment shall be properly maintained. Any cracks, degradation, punctures, or other similar defects to the integrity of the secondary containment shall be repaired. If repairs cannot be made to ensure the tank's original integrity, the tank shall be emptied.

(c)(b) Containment and Integrity Plans. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed and updated at least every two years by a professional engineer registered in the State of Florida.

A CIP does not need to be reviewed and updated for tanks if a new mineral acid tank has not been added to a facility or if there is no structural change to the containment. (Suggest this language for clarity so it matches the language highlighted in yellow above for Secondary Containment)

The CIP shall be made available for inspection by the Department, and shall address:

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tanks covered by the CIP for that facility have been inspected and maintained in accordance

with the CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance.

2. A CIP shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new mineral acid tank is added to a facility or if there is a structural change to the containment.

3. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed, updated, and recertified on Form 62-762.891(1) at least every 2 years by a professional engineer licensed in the State of Florida. The CIP shall be made available for inspection by the Department or County, and shall address:

a1. An inspection and maintenance program detailing: the qualifications of the person providing the inspection, the inspection and routine maintenance procedures, schedules used to evaluate and maintain the integrity of the tank, release detection procedures, and frequency of inspections and proper response to inspection findings.

Please let me know your thoughts and feel free to contact me with any questions.

Thanks, Bob

Bob Stafford
Duke Energy Florida

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Office 727.820.5538 | Mobile 727.409.3340
robert.stafford@duke-energy.com



From: [Mike Petrovich](#)
To: [Burns, Bill](#)
Cc: [Hewitt, Betsy](#); [Curran, Kimberley](#)
Subject: AST Rule-Applicability/Grandfathering
Date: Friday, April 15, 2016 1:31:22 PM

Bill- Following up on our call yesterday, provided below are suggested revisions to draft Rule 62-762.301(1)(a), F.A.C., on page 12, lines 49-55 (March 28 workshop draft). As currently set out in the March 28 workshop draft, FCG and FPL believe that the language is drawn too narrowly. We believe these proposed revisions clarify agency intent. We suggest that a similar revision is appropriate for the UST rule. After you and Betsy have reviewed, give me a call. Thanks and have a good weekend.

- (a) The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, and owners and operators of storage tank systems with individual storage tank capacities greater than 550 gallons, that contain or contained regulated substances. Storage tank systems or system components installed after (*effective date of the rule*), shall comply with this Chapter upon installation. Unless otherwise specified in this Chapter, storage tank systems or system components installed before (*effective date of the rule*), are subject to the applicable ~~Reference Standards listed in the~~ Department's storage tank Rules ~~and Reference Standards in those rules~~ that were in effect at the time the storage tank systems or system components were installed.

Michael P. Petrovich

.....
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PROPOSED 62-762, F.A.C., ABOVEGROUND STORAGE TANK SYSTEMS

2	62-762.101	Intent
4	62-762.201	Definitions
	62-762.211	Reference Guidelines- Standards
6	62-762.301	Applicability
	62-762.401	<u>Facility Registration and Financial Responsibility</u>
8	<u>62-762.411</u>	<u>Notification</u>
	<u>62-762.421</u>	<u>Financial Responsibility</u>
10	<u>62-762.431</u>	<u>Incidents</u>
	<u>62-762.441</u>	<u>Discharges</u>
12	62-762.451	Notification and Reporting
	62-762.501	Storage Tank System Requirements <u>for Shop Fabricated</u> Performance Standards for Category C
14	Storage Tanks- Systems	
	<u>62-762.502</u>	<u>Storage Tank System Requirements for Field Erected Storage Tanks</u>
16	62-762.511	Performance Standards for Category A and Category B Storage Tank Systems
	62-762.601	Release Detection Requirements <u>for Shop Fabricated Storage Tanks</u> Standards
18	<u>62-762.602</u>	<u>Release Detection Requirements for Field Erected Storage Tanks</u>
	62-762.611	Release Detection Methods
20	62-762.641	Performance Standards for Release Detection Methods
	62-762.701	Repairs, Operation and Maintenance <u>of Shop Fabricated Storage Tanks</u> Systems
22	<u>62-762.702</u>	<u>Repairs, Operation and Maintenance of Field Erected Storage Tanks</u>
	62-762.711	Recordkeeping
24	62-762.801	Out-of-Service and Closure Requirements <u>for Shop Fabricated Storage Tanks</u>
	62-762.802	Out-of-Service and Closure Requirements <u>for Field Erected Storage Tanks</u>
26	62-762.821	Incident and Discharge Response
	62-762.851	Alternative <u>Procedures</u> Requirements and Equipment <u>Registration</u> Approvals
28	62-762.891	Mineral Acid Storage Tank Requirements

30 62-762.101 Intent.

32 (1) ~~Except for aboveground mineral acid storage tank systems, the purpose of this Chapter is to provide~~
~~requirements standards for the registration, construction, installation, operation, maintenance, repair, closure, and~~
34 ~~disposal of aboveground storage tank systems that store regulated substances; and in order to minimize the~~
occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for
aboveground storage tank systems having individual storage tank capacities greater than 550 gallons.

36 (2) For mineral acid storage tank systems, the purpose of this Chapter is to minimize the occurrence and
environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that
38 contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid. Mineral acid storage tank systems are
only subject to Rule 62-762.891, Florida Administrative Code (F.A.C.).

40 (3) For compression vessels and aboveground hazardous substance storage tank systems with individual
capacities greater than 110 gallons, ~~The purpose of this Chapter is to establish a registration program for~~
42 ~~compression vessels and aboveground hazardous substance storage tank systems with individual capacities greater~~
~~than 110 gallons.~~ These systems are only subject to Rule subsections 62-762.401(1)-(2), F.A.C.

44 (4) This Chapter implements the requirements of Chapter 376, Florida Statutes (F.S.). Final agency action
related to the functions that may be carried out by a locally administered program (County) under contract with the
46 Department pursuant to Section 376.3073, F.S., shall be taken by the Department.

48 (5) Site access to the facility, subject to safety considerations, shall be provided for compliance inspections
conducted at reasonable times and with notice by phone or email. The facility owner or operator shall provide an
authorized facility representative to safely access storage tank system components for inspection purposes and
50 demonstrate operational functionality of electronic equipment.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.3073, 376.322(3), 403.091 FS. History—New 6-21-04, Amended.

62-762.201 Definitions.

All words and phrases defined in Sections 376.031, 376.301, and 376.79, F.S., shall have the same meaning when used in this Chapter unless specifically stated otherwise in this Chapter. See Sections 376.031, 376.301, and 376.79, F.S., for definitions of the following terms: “Bulk product facility,” “Compression vessel,” “Contaminant ~~(contamination shall mean the same as contaminant)~~,” “Contaminated site,” “Department,” “Discharge,” “Facility,” “Flow-through process tank,” “Hazardous substances,” “Operator,” “Owner,” “Petroleum product,” “Pollutants,” “Transfer” or “Transferred,” and “Vessel.” The following words, and phrases or terms used in this Chapter shall, unless the context indicates otherwise, shall have the following meaning: **Mott-Smith Consulting Group Response: “Contamination” and “Contaminant” are not defined as the same in the statutes.**

~~(1) “Airport or seaport hydrant piping” means the pressurized integral piping system, including hydrant pits, associated with petroleum storage tank systems serving airports, seaports, or military bases.~~

~~(1)(2) “Ammonia” includes organic amines and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, release free ammonia (NH₃), or ammonium ion (NH₄⁺).~~

~~(2)(3) “AST” means an aboveground storage tank.~~

~~(4) “AST Category A system” means a system that was installed on or before March 12, 1991.~~

~~(5) “AST Category B system” means a system that was installed after March 12, 1991, and before July 13, 1998.~~

~~(6) “AST Category C system” means a system that was installed on or after July 13, 1998. ASTs that are removed and relocated after July 13, 1998 are considered Category C systems.~~

~~(3) “Biofuel” means fuel produced from renewable resources, especially, but not limited to, organic feedstocks such as plant biomass, vegetable oils, animal fats, and treated municipal and industrial wastes.~~

~~(7) “Bulk product facility” means a waterfront location with at least one aboveground tank with a capacity greater than 30,000 gallons that is used for the storage of pollutants.~~

~~(4)(8) “Bulk product piping” means on-site integral piping with an internal diameter greater than 3three inches that:~~

~~(a) Originates at the first stationary or landward valve from a vessel loading or unloading area, and that delivers regulated substances up to and including the first valve within the dike field area of a bulk product facility; or~~

~~(b) Is utilized for transporting regulated substances.~~

~~(5)(9) “Cathodic protection” means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.~~

~~(6)(10) “Cathodic Protection Tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems and be certified as a NACE or STI cathodic protection tester.~~

~~(7)(11) “Chlorine” includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) or chlorides (Cl⁻).~~

~~(8) “Closure Integrity Evaluation for shop fabricated storage tank systems” is an assessment of shop fabricated storage tank system integrity for storage tanks, integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled piping sump, dispenser sump, or spill containment system.~~

~~(9) “Closure Integrity Evaluation for field erected storage tank systems” is an assessment of field erected storage tank system integrity for storage tanks, integral piping, hydrant sumps, and containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled hydrant sump or containment system.~~

~~(10) “Closure Integrity Report” means Closure Integrity Evaluation Report Form for ASTs 62-762.901(7).~~

(11) “Closure Report” is a report prepared in accordance with Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 edition.

(12) No change.

(13) “Compression vessel” means any stationary aboveground container, tank, or on-site integral piping system, or combination thereof, that has a capacity of greater than 110 gallons and that is primarily used to store pollutants or hazardous substances above atmospheric pressure or at a reduced temperature in order to lower the vapor pressure of the contents. Manifold compression vessels that function as a single vessel shall be considered as one vessel.

(13) “Containment” means a sufficiently impervious structure, release prevention barrier, or device designed to prevent the discharge of regulated substances in the event of a release.

(14) “Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities that result in exceedances of applicable cleanup target levels in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, 62-520, or 62-550, F.A.C.

(14)(15) “Corrosion professional” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal components of a storage tank system. Corrosion Professionals shall be accredited or certified by NACE International as either a Corrosion Specialist or a Cathodic Protection Specialist, or be a professional engineer licensed registered in the State of Florida. Corrosion professionals using vapor corrosion inhibitor technologies for corrosion control must have experience with and knowledge of vapor corrosion inhibitors. Vapor corrosion inhibitors must be registered in accordance with Rule 62-762.851(2), F.A.C. Installers of vapor corrosion inhibitors must have certification from the VCI equipment registration holder.

(15) “Corrosion Protection” means the minimization of corrosion by the use of cathodic protection or vapor corrosion inhibitors.

(16) “County” means a locally administered governmental program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

(17) “Cut and cover tank” means a tank that is constructed with steel or reinforced concrete that is surrounded by soil above the natural surface of the ground.

(17) “Day tank” means a shop fabricated storage tank with a capacity of less than or equal to 550 gallons, connected to a regulated tank by way of integral piping, that contains the amount of fuel commonly used in a 24-hour period.

(18) “Dike field area” means the area around the tank or tanks that extends from the circumference of the base of an storage tank AST to the top of the berm, dike, or retaining wall surrounding the tank.

(19) “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.

(19)(20) “Discovery” means:

(a) either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of an previously unreported incident, release, or discharge, or an unmaintained storage tank system; or

(b) Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(7), F.A.C.

(20)(21) “Dispenser” means a dispensing system that is used to transfer regulated substances vehicular fuel from a fixed point to a vehicle or portable container.

(22) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(21) “Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.

(23) “Dispensing system” or “Dispenser” means equipment that is used to transfer pollutants regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.

(22) “Docklines” means piping originating at the first shore side valve after the marine transfer area, as determined by the U.S. Coast Guard Captain of the Port, and terminating at the:

(a) First valve inside the dike field area or other approved containment within a bulk product facility;

(b) Valve or manifold nearest to the double-walled storage tank that the piping conveys regulated substance to at a bulk product facility; or

(c) Valve or manifold nearest to the storage tank containing high viscosity product that piping conveys regulated substance to at a bulk product facility. *Mott-Smith Consulting Group Response: Support definition*

(23)(24) “Double-bottomed” means ~~a~~ a storage tank ~~AST~~ that has secondary containment in the form of an outer tank bottom having an a-closed interstitial space between the primary tank bottom and the secondary outer tank bottom.

(24)(25) “Double-walled” means a storage tank system or system component that has an outer ~~tank wall, or~~ integral piping that has an outer wall that provides secondary containment ~~of the primary tank or piping~~.

(25) “DRF” means Discharge Report Form 62-762.901(1).

(26) No Change.

(27) “Existing contamination” means:

(a) The presence of free product or sheen on the groundwater;

(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:

1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or

2. 50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;

(c) Results of analytical tests on a groundwater sample that:

1. Exceed the cleanup target levels for petroleum products’ chemicals of concern specified in Table V of Chapter 62-770, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph (c)1. above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph (c)1. above; or

(d) After July 13, 1998, results of analytical tests on a soil sample that:

1. Exceed the lower of direct exposure I and leachability Table V cleanup target levels for petroleum products’ chemicals of concern listed in Table IV of Chapter 62-770, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph (d)1. above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph (d)1. above.

(28) “Facility” means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 550 gallons for AST systems.

(27)(29) “Field-erected storage tank” means a storage tank ~~an~~ AST that is constructed by assembling it on-site at the facility.

(30) “Flow through process tank” is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include tanks associated with vapor recovery units and oil-water separators. Flow-through process tanks do not include storage tanks used for the storage of regulated substances before their introduction into the production process or for the storage of finished products or by-products from the production process.

(28)(31) “Free product” means the presence of nonaqueous phase regulated substance in the environment ~~a regulated substance~~ in excess of 0.01 foot in thickness, measured at its thickest point, ~~floating on water, surface water or groundwater~~.

(32) “Hazardous substances” means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(33) “Heating oil” means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.

(29)(34) “High viscosity product” means a regulated substance ~~pollutant~~ with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade, such as American Society for Testing and Materials (ASTM) grades 5 and 6 residual oils, intermediate fuel oils, or Bunker C fuel.

(30) “Hydrant piping” means a continuously pressurized integral bulk product piping system with hydrant pits ~~used for distributing product~~.

(31) “Hydrant Sumps” or “Hydrant Pits” means any secondary containment system associated with hydrant piping, including hydrant pits, isolation valve pits, valve access pits, and control pits ~~but excludes double-walled piping~~.

(35) “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed loop mechanical system used to operate lifts, elevators, and other similar devices.

(32)(36) “Hydrostatic test” means a containment integrity test for a storage tank system or storage tank system component that is performed in accordance with this Chapter using equilibrium and the pressure of liquids to test the integrity of the tank or system component.

(33)(37) “Impervious” means:

(a) A synthetic material or another material registered ~~approved~~ in accordance with subsection 62-762.851(2), F.A.C., that is compatible with the stored regulated substance, and has a permeability rate to the regulated substance stored of 1×10^{-7} cm/sec or less; or

(b) For concrete structures, a material that:

1. Meets the design and construction standards of Design Considerations for Environmental Engineering Concrete Structures, ACI 350.4R-04, 2004 Edition, and Control of Cracking in Concrete Structures, ACI 224R-01, (Reapproved 2008), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ACI, 38800 Country Club Drive, Farmington Hills, Michigan 48331-3439, or at: <http://www.concrete.org/ACI 350R-89> and ACI 224R-89; or

2. Is applied to the concrete in accordance with Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at SSPC: The Coatings Society, 40 24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222-4643, (877) 281-7772, or from the publisher’s website at <http://www.sspc.org/>; or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, or from the publisher’s website at <http://www.nace.org/>, NACE International Standard RP0892-92.

(34)(38) “In contact with the soil” means any portion of a storage tank system, that physically touches the soil or if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious, integral piping connected to ASTs or any portion of a tank, that:

(a) ~~Physically touches the soil; or~~

(b) ~~Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.~~

(c) ~~Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.~~

(35)(39) “Incident” is a condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component.

(36)(40) “Industrial occupancy building” is an enclosed structure that contains a storage tank AST system that is used in association with an industrial or manufacturing process, or for electric power generating utilities, provided that the building was constructed and is used primarily for industrial, manufacturing, or electric power generating purposes, and not solely for the purpose of storing regulated substances. An industrial occupancy building is a structure that has an impervious floor (without valves, drains, or other openings) that prevents would permit regulated substances from being pollutants to be discharged. Industrial occupancy buildings constructed between July 13, 1998, and (effective date of the rule), must meet the applicable regulatory requirements in effect at that time. Industrial occupancy buildings constructed after (effective date of the rule) ~~July 13, 1998~~, must:

(a) Be constructed in accordance with Flammable and Combustible Liquids Code, Storage Tank Buildings, Chapter 24 of NFPA 30, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA 30, Section 2-5, Installation of Tanks Inside of Buildings, and Section 5-3, Facility Design;

(b) Have at least Type II construction in accordance with Standard on Types of Building Construction, NFPA 220, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA 220, Chapter 3;

(c) Be ventilated in accordance with Standard on Explosion Protection by Deflagration Venting, NFPA 68, 2013 Edition; and Standard on Explosion Prevention Systems, NFPA 69, 2014 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA 68 and 69; and

(d) Be verified as meeting the above construction requirements by either a registered architect or a professional engineer licensed ~~registered~~ in the State of Florida

(37) "INF" means Incident Notification Form 62-762.901(6).

(38)(41) "In-service" means a storage tank system where the owner or operator has not reported to the Department pursuant to subsection 62-762.401(2), F.A.C., that the tank is out-of-service pursuant to subsection 62-762.801(1) or 62-762.802(2), F.A.C., or temporary out-of-service pursuant to subsection 62-762.802(1), F.A.C. that is being actively maintained and operated in accordance with this chapter. Non-compliance with any specific rule within this chapter does not exclude the system from being considered "in service." Subject to the above, a storage tank system is also considered to be in service if it:

(a) ~~Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;~~

(b) ~~Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or~~

(c) ~~Contains non-regulated substances and is still maintained in an in-service status at the request of the owner or operator.~~

(39)(42) "Integral piping" means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Vapor, or other recovery lines, pipeline facilities, and vent lines, are not considered integral piping. ~~Integral piping is not considered on-site if the piping crosses state boundaries, or two or more county boundaries.~~ Integral piping includes all valves, elbows, joints, flanges, pumps, and flexible connectors; associated with the pipe originating at the storage tank up to the:

(a) ~~Union of the integral piping with the dispenser dispensing system;~~

(b) ~~Fill cap or fill valve;~~

(c) ~~Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; or~~

(d) ~~First flange or connection within the loading rack containment area; or~~

(e) First shoreside valve after the marine transfer area for on-site piping at bulk product facilities.

On-site means on the same or geographically contiguous property as the facility regulated under this Chapter that is under the same ownership or control. The properties may be divided by a public or private right-of-way or an easement. **Mott-Smith Consulting Group Response: Support definition revision**

(40) "Integrity test" means a determination of the liquid tightness of a storage tank system or system component using one of the following types of tests:

(a) "Interstitial integrity test" means an evaluation of a storage tank system or system component with an interstitial space using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by a Nationally Recognized Testing Laboratory;

(b) "Primary integrity test" means an evaluation of the liquid tightness of the primary tank or integral piping; or

(c) "Containment integrity test" means an evaluation of the liquid tightness of hydrant pits, isolation valve pits, and other containment systems.

(41) "Interstice" means the space between the primary and secondary wall of a storage tank system or system component.

(43) "Internal lining" means a material that is applied internally on AST bottoms or USTs to protect the tank from internal corrosion.

(42)(44) "Interstitial monitoring" is a method of release detection in which the area between the primary and secondary wall of a storage tank or storage tank system component is monitored for signs of release. ~~detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:~~

(a) ~~A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or~~

(b) ~~An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.~~

(43) "Limited Closure Report" means Limited Closure Report Form for ASTs 62-762.901(8).

(44)(45) "Liner" means an impervious material that meets the performance requirements ~~standards~~ of subparagraph 62-762.501(1)(b)2. or 62-762.502(1)(b)2. ~~paragraph 62-762.501(1)(e), F.A.C., that is used externally as a method of secondary containment.~~

(46) "Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants) to collect oil, water, and other liquids. Liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(45)(47) "Maintenance" means the normal operational upkeep in accordance with Rules 62-762.701 and 62-762.702, F.A.C., to prevent a storage tank system or system component from releasing or discharging regulated substances.

(46)(48) "Mobile tank" is a shop fabricated storage tank that is:

(a) An AST that is Moved to a different location at least once every 180 days; and

1. Has a current valid vehicle registration with the Florida Department of Highway Safety and Motor Vehicles and has current test and inspection markings in accordance with 49 CFR § C.F.R. 180.415; or

2. Is designed and constructed to be moved to other service locations, and its relocation within a facility or from site to site is inherent in its use; or

(b) Is Used for on-site construction activities, provided that the construction activities do not exceed 12 months, or the life of the construction project as long as construction is continuous, and the tanks are removed from the site when the construction is complete; and

(c)(b) Not considered mobile if it is connected to stationary underground or aboveground integral piping, unless associated with the production of an agricultural commodity, provided that the tank is moved to a different location at least once every 180 days; or **Mott-Smith Consulting Group Response: Support definition revision**

(47)(49) "Nationally Recognized Testing Laboratory" means an international or national organization or governmental entity that can perform quantitative and qualitative tests on storage tank system equipment, evaluate the test data and equipment performance, and make determinations of the equipment's capability of meeting the technical requirements standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. Nationally Recognized Laboratories include organizations such as Underwriter's Laboratories, Carnegie Mellon Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.

(48) "New" means a storage tank system or system component installed after (effective date of the rule).

(49)(50) "On-site" means on the same or geographically contiguous property as the facility regulated under this Chapter; that is under the same ownership or control; The properties and which may be divided by a public or private right-of-way or an easement. Piping connecting ASTs with pipeline facilities are considered on site up to the point where it crosses through the dike wall surrounding the AST. **Mott-Smith Consulting Group Response: Support definition revision**

(50) "Operability test" means a test performed to determine if electronic and mechanical release detection, and overfill protection devices or systems are functioning as designed and in accordance with manufacturer's specifications.

(51) "Operational life" refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-762.801(3), F.A.C.

(52) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.

(51)(53) "Out-of-service" means a storage tank system or system component that is designated as out-of-service by the owner or operator to the Department on Storage Tank Facility Registration Form 62-762.901(2), F.A.C. that:

(a) Is designated as an out of service system by owner or operator notification to the Department on Form 62-761.900(2);

(b) Is empty as defined in subsection 62-762.201(26), F.A.C.; and

(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-762.801(2), F.A.C., for a maximum time of:

1. Two years of being taken out of service for USTs; or

2. Five years of being taken out of service for ASTs; or

3. Ten years of being taken out of service for storage tank systems with secondary containment.

(52)(54) "Overfill" is an incident a release or discharge that occurs when a tank is filled beyond its capacity.

(53) "Overfill protection" is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

(55) "Owner" means any person as defined in Section 376.301(23), F.S., owning a facility.

(54)(56) "Pesticides" means any substance or mixture of substances, as defined in Section 487.021, F.S., intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the Department of Agriculture and Consumer Services by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term "pesticide"

does not include any article that:

(a) Is a "new animal drug" within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

(b) Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection. means all preparations, products, and substances included in the Department of Agriculture and Consumer Services' Rule 5E 2.002, F.A.C.

(57) "Petroleum" includes:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph (a).

(58) "Petroleum product" means any liquid fuel commodity made from petroleum.

(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:

1. Diesel fuel;

2. Kerosene;

3. Gasoline; and

4. Fuels containing mixtures of gasoline and other products.

(b) Forms of fuel excluded from this definition are:

1. Liquefied petroleum gas;

2. American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;

3. Bunker C residual oils;

4. Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;

5. Asphalt oils; and

6. Petrochemical feedstocks.

(55)(59) "Pipe" or "piping" means any hollow cylindrical or tubular conveyance through which regulated substances flow.

(56)(60) "Pipeline facilities" are pipe systems, rights-of-way and any associated equipment, gathering lines, buildings, or break-out tanks necessary for the long range transportation of regulated substances. Pipeline facilities and associated equipment are regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations.

(57)(61) "Piping sump" or "Submersible turbine pump sump" means a storage tank system component liner installed as secondary containment or a monitoring port at the top of a tank or at the lowest point in the integral piping to detect releases.

(62) "Pollutants" includes any "product" as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(58)(63) "Pressure test" means a test to determine the integrity of the primary integral piping performed in accordance with Rules 62-762.601 and 62-762.602 subsection 62-762.641(3)(c)1., F.A.C.

(59)(64) "Pressurized piping" means piping through which regulated substances are pumped under continuous pressure flow due to a pump that is not located at the dispensing system. **Mott-Smith Consulting Group Response: Support definition revision**

(60)(65) "Product" as defined in Section 377.19(11), F.S., means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, used oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

(61) "Registration form" means Storage Tank Facility Registration Form 62-762.901(2).

(62)(66) "Regulated substance" means a liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), that is a pollutant when stored in a storage tank an AST.

(63)(67) "Release" means:

(a) A discharge; or

(b) a loss of regulated substances from a storage tank system or system component into the system's secondary containment.

(64)(68) "Release detection" means a method of:

~~(a) Determining whether a discharge of regulated substances has occurred; or~~
(b) ~~d~~ Detecting the presence of regulated substances within a storage tank system's or system component's secondary containment or detecting other conditions or situations indicative of a release or discharge.

(69) "Release detection response level" is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.

~~(65)(70)~~ "Repair" means to restore or replace any defective or damaged parts of a storage tank system or system component in accordance with subsections 62-762.701(1) and 62-762.702(1), F.A.C., as applicable.

Replacement of a non-defective part is not a repair. **Mott-Smith Consulting Group Response:**

Support definition revision

~~(66)(71)~~ "Residential storage tank system" means a storage tank system that provides fuel for heating, air conditioning or electricity to a residential structure. That structure is a non-commercial building utilized exclusively as a dwelling unit that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies, is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.

~~(67)(72)~~ "Secondary containment" means a release detection and discharge prevention system that meets the performance requirements standards of paragraphs 62-762.501(1)(b) ~~62-762.501(1)(e), and 62-762.502(1)(b).~~ F.A.C., as applicable. **Secondary containment** and includes dispenser sumps, liners, piping sumps, spill containment systems, the outer wall of double-walled tanks, and integral piping systems, or single-walled tanks or piping systems that are contained within a or the liner or an impervious containment area for single-walled tanks or integral piping. A Release Prevention Barrier, as specified in API Standard 650, Appendix I, is considered secondary containment for field-erected aboveground storage tank bottoms. **Mott-Smith Consulting Group Response: Strike "area" to be consistent with the definition of "containment (which includes previously approved pre-hydrated clays that are not mentioned above).**

~~(68)(73)~~ "Sheen" means a regulated substance less than or equal to 0.01 foot in thickness, measured at its thickest point, or visibly observed, floating on surface water, groundwater, or within secondary containment.

~~(69)(74)~~ "Shop-fabricated storage tank" means a storage tank ~~an AST~~ that is constructed at the tank manufacturer's plant and transported to the facility for installation.

(75) "Significant loss or gain" means the sum of losses and gains of a regulated substance over a 30 day or monthly period that exceeds:

(a) For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or
2. One percent of the total weekly output; or
3. Fifty gallons, whichever is greatest.

(b) For tanks with capacities between 2,001 and 29,999 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:

1. One percent of the tank capacity; or
2. One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.

(c) For tanks with capacities of 30,000 gallons or greater:

1. One percent of the tank capacity; or
2. One half of one percent of the amount of product dispensed during the previous 30 days, whichever is greater.

~~(70)(76)~~ "Small diameter piping" means integral piping with an internal diameter of ~~three~~ inches or less that is utilized for transporting regulated substances.

(71) "Spill containment system" means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.

~~(72)(77)~~ "Storage tank system" means a tank used to contain regulated substances, and all its components, including its integral piping, and all its components, including dispensers dispensing systems, spill containment systems devices, overfill protection systems devices, secondary containment systems, and any associated release detection equipment. A storage tank system is a "storage system" as defined in Section 376.301, F.S.

(73) "Storage tank system component" or "system component" means any part (mechanical, electrical, and plumbing) of the storage tank system that is necessary for a tank system to operate properly and safely. This

includes tanks, integral piping, sensors, sumps, pumps, including dispensers, spill containment systems, overfill protection systems, secondary containment systems, and any associated release detection equipment.

(74)(78) "Suction piping" means piping through which regulated substances flow by suction due to a pump located at the dispenser or other endpoint of the pipingdispensing system.

(75)(79) "Tank" means an enclosed stationary container or structure that is designed or used to store regulated substances, and the volume of which, including the volume of underground piping, is less than 10~~ten~~ percent buried beneath the surface of the ground. ~~For purposes of this chapter, cut and cover tanks are considered aboveground storage tanks.~~

(76)(80) "Temporary out-of-service" means a field erected storage tank system that is designated as temporary out-of-service by the owner or operator to the Department on Form 62-762.901(2), F.A.C.~~is a designation of a service status for a field erected storage tank system that is emptied solely for the purpose of cleaning, routine maintenance, or change of product for a time period exceeding thirty days, but less than six months.~~

(81) "UST" means an underground storage tank.

(82) "Unmaintained" means:

(a) A storage tank system that was not closed in accordance with Department rules; or

(b) An out of service storage tank system that is not returned to in-service status within:

1. Five years of its being out of service for ASTs; or

2. Ten years of its being out of service for storage tank systems with secondary containment. **Mott-Smith**

Consulting Group Response: Support definition revision

(83) "Upgrade" means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single wall corrosion resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.

(77) "Vapor Corrosion Inhibitor" (VCI) means a chemical substance that volatilizes from a liquid or solid that is designed to inhibit corrosion within an enclosed airspace.

(84) "Vehicular fuel" means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.031, 376.301, 376.303, 376.79 FS. History—New 6-21-04, Amended _____.

Substantial rewording of Rule 62-762.211, F.A.C., follows. See Florida Administrative Code for present text.

62-762.211 Reference GuidelinesStandards.

(1) Reference guidelines listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., are available for inspection during business hours at the Department of Environmental Protection's Tallahassee Office located at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be found in the document titled Appendix A – Chapter 62-762, F.A.C., Secondary References located here: www.flrules.org/Gateway/reference.asp?No=Ref-00###. All other secondary references can be obtained through the following reference guidelines.

(2) Titles of documents. References to documents listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., below are made throughout this Chapter. Each document or part thereof is adopted and incorporated by reference only to the extent that it is specifically referenced in this Chapter. To the extent that the provisions contained in the following reference guidelines conflict with this Chapter, the Department's requirements as stated in this Chapter shall control.

(a) American Concrete Institute (ACI):

1. Control of Cracking in Concrete Structures, ACI 224R-01, (Reapproved 2008); and

2. Design Considerations for Environmental Engineering Concrete Structures, ACI 350.4R-04, 2004 Edition.

(b) American Petroleum Institute (API). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>:

1. Specification for Fiberglass Reinforced Plastic Tanks, API Spec 12P, 3rd Edition, October 2008;

2. Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems, API 570, 3rd Edition, November 2009;

3. Design and Construction of Large, Welded, Low-Pressure Storage Tanks, API Std 620, 12th Edition, October 2013;

4. Welded Tanks for Oil Storage, API Std 650, 12th Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), March 2013;
 5. Cathodic Protection of Aboveground Petroleum Storage Tanks, API RP 651, 4th Edition, September 2014;
 6. Tank Inspection, Repair, Alteration, and Reconstruction, API Std 653, 5th Edition, November 2014;
 7. Welding of Pipelines and Related Facilities, API Std 1104, 21st Edition, Includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and Addendum 1 (2014), September 2013;
 8. Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide, API RP 1110, 6th Edition, February 2013;
 9. Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API RP 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002);
 10. Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API RP 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012). Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###; and
 11. Overfill Protection for Storage Tanks in Petroleum Facilities, API RP 2350, 4th Edition, May 2012.
- (c) ASME International (founded as the American Society of Mechanical Engineers). A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ASME International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800) 843-2763, or the publisher's website at <http://www.asme.org/>:
1. Process Piping, ASME B31.3, 2014 Edition; and
 2. Pipeline Transportation Systems for Liquids and Slurries, ASME B31.4, 2012 Edition.
- (d) Energy Institute. A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Energy Institute, 62 New Cavendish Street, London W1G 7AR, United Kingdom, +44 (0) 20 7467 7100, or the publisher's website at <https://www.energyinst.org/home>:
- Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment, EI 1542, 9th Edition, July 2012.
- (e) Florida Department of Environmental Protection (DEP). A copy of the following document is available at the Department located at 2600 Blair Stone Road, Tallahassee, Florida 32399, (850) 245-8705, or at the following website location: www.flrules.org/Gateway/reference.asp?No=Ref-00###. Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition.
- (f) Geosynthetic Institute. A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Geosynthetic Institute, 475 Kedron Avenue, Folsom, Pennsylvania 19033-1208, (610) 522-8440, or at <http://www.geosynthetic-institute.org/>. Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes, GRI Test Method GM13, Rev. 12, November 2014. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###.
- (g) NACE International. Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>:
1. External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms, NACE Standard RP0193-2001, 2001 Edition;
 2. Control of External Corrosion on Underground or Submerged Metallic Piping Systems, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition;
 3. External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011, 2011 Edition; and
 4. Coatings and Linings over Concrete for Chemical Immersion and Containment Service, NACE Standard SP0892-2007 (formerly RP0892), 2007 Edition.
- (h) National Fire Protection Association (NFPA). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/:
1. Flammable and Combustible Liquids Code, NFPA 30, 2015 Edition;
 2. Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2015 Edition;
 3. Standard on Explosion Protection by Deflagration Venting, NFPA 68, 2013 Edition;
 4. Standard on Explosion Prevention Systems, NFPA 69, 2014 Edition; and
 5. Standard on Types of Building Construction, NFPA 220, 2015 Edition.

(i) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, Maryland 20899-1070, (301) 975-6478, or at <http://www.nist.gov/index.html>.

(j) Petroleum Equipment Institute (PEI). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/:

1. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-11, 2011 Edition;

2. *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-13, 2013 Edition; and

3. *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-12, 2012 Edition.

(k) SSPC: The Coatings Society and NACE International. A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at SSPC: The Coatings Society, 40 24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222-4643, (877) 281-7772, or from the publisher's website at <http://www.sspc.org/>; or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, or from the publisher's website at <http://www.nace.org/>: *Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment*, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997.

(l) Steel Tank Institute (STI). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>:

1. *Flameshield® Standard for Fire Tested Tanks*, STI F001, October 2014. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

2. *Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank*, STI F011, October 2014. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

3. *Standard for Aboveground Tanks with Integral Secondary Containment*, STI F921®, Revised October 2014;

4. *Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks*, STI F941, May 2015. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

5. *Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, STI R892, Revised January 2006;

6. *Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids*, STI R912, Revised November 2015. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

7. *Standard for the Inspection of Aboveground Storage Tanks*, STI SP001, 5th Edition, Revised 2011; and

8. *Standard for Repair of Shop Fabricated Aboveground Tanks*, STI SP031, 4th Edition, November 2008.

(m) Underwriters' Laboratories Standards (UL). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/:

1. *Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*, UL 142, Revised August 2014, 9th Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

2. *Nonmetallic Underground Piping for Flammable Liquids*, UL 971, June 2008, 2nd Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###; and

3. *Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids*, UL 2085, September 2003, 3rd Edition.

(n) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations. Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/:

1. *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 CFR Part 280, July 2015; Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or

www.flrules.org/Gateway/reference.asp?No=Ref-00###, or <http://www.ecfr.gov/cgi-bin/text-idx?SID=77a4ede7eedef2cdb918cb52715a2d55&node=sp40.27.280.h&rgn=div6>; and

2. Designation, Reportable Quantities, and Notification, 40 CFR Part 302, July 2002; Published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr302_main_02.tpl.

(3) Applicability of Reference Guidelines: Storage tank systems or system components installed after *(effective date of the rule)*, shall comply with this Chapter on or after *(effective date of the rule)*. Unless otherwise specified in this Chapter, storage tank systems or system components installed before *(effective date of the rule)*, are subject to the **applicable** Reference Standards listed in the Department's storage tank Rules that were in effect at the time the storage tank systems or system components were installed. **Mott-Smith Consulting Group Response: Support the FCG's proposed revision**

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended _____.

62-762.301 Applicability.

(1) General Requirements:

(a) ~~Aboveground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, ~~and~~ or owners and operators of ~~aboveground stationary~~ storage tank systems with individual storage tank capacities greater than 550 gallons, that contain or contained regulated substances. ~~Storage tank systems or system components installed after (effective date of the rule), shall comply with this Chapter upon installation. Unless otherwise specified in this Chapter, storage tank systems or system components installed before (effective date of the rule), are subject to the applicable Reference Standards listed in the Department's storage tank Rules that were in effect at the time the storage tank systems or system components were installed.~~

1. ~~Vehicle fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~

2. ~~Pollutants after March 12, 1991; or~~

3. ~~Pollutants in unmaintained storage tank systems.~~ **Mott-Smith Consulting Group Response:**

Support the FCG's proposed revision

(b) ~~Aboveground compression vessels and hazardous substance storage tank systems:~~ Owners and operators of compression vessels and hazardous substance storage tanks systems with capacities of greater than 110 gallons and containing hazardous substances above reportable quantities under Designation, Reportable Quantities, and Notification, 40 CFR Part 302, July 2002, published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and available at the address given, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr302_main_02.tpl, or at the Department address listed in subsection 62-762.211(1), F.A.C., ~~40 C.F.R. 302~~ are only required to comply with Rule 62-762.401 ~~subsections 62-762.401(1)-(2), F.A.C. Owners and operators of storage tanks that contain hazardous substances consisting of ammonia and chlorine are required to comply with paragraph (1)(a) above.~~

(c) ~~Aboveground mineral acid storage tank systems:~~ Owners and operators of facilities containing only mineral acid storage tank systems, ~~and~~ or owners and operators of ~~aboveground~~ mineral acid storage tank systems with capacities of greater than 110 gallons containing mineral acids are only required to comply with Rule 62-762.891, F.A.C.

~~(d) This rule is applicable to non-residential facilities.~~

(2) Exemptions: The following ~~aboveground~~ systems are exempt from the requirements of this Chapter:

(a) through (d) No change.

(e) Any storage tank system with a storage capacity of less than 30,000 gallons used for the sole purpose of storing heating oil for consumptive use on the premises where stored. "Heating oil" means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces;

(f) through (g) No change.

(h) Any storage tank containing Liquefied Petroleum Gas;

(i) Any storage tank system that:

1. Contains regulated substances at a concentration of less than 2 percent for pollutants and below the reportable quantities for hazardous substances under 40 CFR Part 302, July 2002; and

2. Was never previously regulated under Sections 376.30 through 376.309, F.S., or this Chapter ~~contains small~~

quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;

(j) Any storage tank system that contains wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

(k) No change.

(l) Any stormwater or wastewater collection system, including oil-water separator tanks;

(m) Any surface impoundment, pit, pond, or lagoon;

~~(n) Any agricultural storage tank system of 550 gallons capacity or less;~~

~~(o) Any residential storage tank system;~~

~~(p) Any emergency spill or emergency overflow containment storage tank systems, including those associated with electric power generation systems, that are emptied as soon as possible after use, and that routinely remains empty;~~

(o) Any day tank system;

~~(p) Any flow-through process tank system. For industrial and manufacturing facilities, integral piping is considered to terminate at the forwarding pump or valve used to transfer regulated substances to process, production, or manufacturing points of use or systems within the facility. Piping used to return unused regulated substances from the process, production, or manufacturing point of use back to the storage tank system is considered part of this exemption;~~

~~(q) Any storage tank system, liquid trap, or associated gathering lines directly related to oil or gas production and gathering operations regulated by Chapter 377, F.S.; however, this exclusion does not apply to storage tanks that contain refined products;~~

~~(r) Any equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift or fluid tank systems that hold hydraulic fluid for closed-loop mechanical systems used to operate lifts, elevators, and other similar devices, and dielectric fluid (cooling and lubricating oil) systems used for electrical equipment and electrical equipment tank systems;~~

~~(s) Any pipeline facilities;~~

~~(t) Any storage tank system containing radionuclides or that is part of an emergency generator system for nuclear power generation at facilities regulated by the Nuclear Regulatory Commission under 10 CFR C.F.R. Part 50, Appendix A;~~

~~(u) Any vapor recovery holding tanks and associated vapor recovery piping systems; or~~

~~(v) Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 5 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code, Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles*;~~

~~(w) Any Drip irrigation systems that:~~

1. Are not in contact with the soil;
2. Are constructed of corrosion resistant materials;
3. Are compatible with the products stored;
4. Contain less than 80 percent% concentration of fertilizer materials by volume; and
5. Are applied on site.

~~(x) Systems used exclusively for the storage of aqueous solutions of sodium hypochlorite;~~

~~(y) Any mobile tank;~~

~~(z) Any system located entirely within an industrial occupancy building;~~

~~(aa) Any storage tank system, that was installed before July 13, 1998, and is located entirely within an enclosed building or vault with an adequate roof and walls to prevent rainwater from reaching the system, and with an impervious floor containing no valves, drains, or other openings that would permit regulated substances to be discharged from the system. Storage tank systems that were installed between July 13, 1998, and the *(effective date of the rule)*, must meet the applicable regulatory requirements in effect at the date of installation that were constructed before July 13, 1998; or~~

~~(bb) Any mobile double-walled storage double-wall tank, regardless of how long it is located at a facility, that is connected with a power module system that is used for the emergency or supplemental generation of electrical power by an electric utility as defined in Chapter 366, F.S. This exemption is limited to storage tanks that are designed and constructed to be moved between to other service locations, relocated and the relocation within a facility or where the inherent use is from site to site; is inherent in its use.~~

~~(cc) Docklines transferring regulated substances from the marine transfer area to the bulk product facility provided the docklines are not integral piping of the regulated bulk product facility;~~

~~(dd) Any storage tank system containing biofuels with a concentration of regulated substances of 5 percent or less by volume; or~~

(ee) Any multiple compartmented storage tank system where each compartment does not share any of its walls with another compartment and the maximum capacity of each compartment is equal to or less than 550 gallons. Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.321, 376.322(3) FS. History—New 6-21-04, Amended _____.

Substantial rewording of Rule 62-762.401, F.A.C., follows. See Florida Administrative Code for present text.
62-762.401 Facility Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subsection, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) For new facilities, which are facilities that began construction after (effective date of the rule), a completed Form 62-762.901(2), Storage Tank Facility Registration Form (Registration Form), effective date, (effective date of the rule), hereby adopted and incorporated by reference, shall be submitted in electronic or paper format to the Department no later than 30 days prior to installation. For facilities with existing registered storage tank systems, a completed Registration Form shall be submitted in electronic or paper format to the Department no later than 7 days prior to regulated substances being put into any new storage system. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldepportal.com/go/submit-registration/>, or to obtain copies of the form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(2) For a change in service status or closure pursuant to Rules 62-762.801 and 62-762.802, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status or closure.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

(a) Any change in the owner or operator of a facility or of a storage tank system;

(b) Any change or correction in the information reported in the Registration Form. A change within the same blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);

(c) A permanent change from a regulated to a non-regulated substance; and

(d) The discovery of an unregistered storage tank system.

(4) Registration fees.

(a) Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all storage tank systems and compression vessels, required to be registered, except for:

1. Storage tank systems and compression vessels that have been properly closed in accordance with subsections 62-762.801(2) and 62-762.802(3), F.A.C.; and

2. Storage tank systems and compression vessels at federally-owned or operated facilities.

(b) A fee of \$50.00 per storage tank or compression vessel shall be submitted for each initial registration of a storage tank system or compression vessel. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(c) A renewal fee of \$25.00 for each storage tank with a capacity of 250,000 gallons or less and for each compression vessel shall be paid to the Department by July 1 each year.

(d) A renewal fee of one dollar per every 10,000 gallons of storage capacity for each storage tank with a storage capacity greater than 250,000 gallons, shall be paid to the Department each year, not to exceed \$1,000.00 per storage tank.

(e) A fee of \$25.00 per storage tank shall be paid to the Department for each storage tank or compression vessel that is replaced within 30 days after receipt of an invoice by the Department.

(f) A late fee of \$20.00 per storage tank or compression vessel shall be paid to the Department for any renewal that is received after July 31.

(g) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$5,000.00 for all pollutant storage tanks located at the facility.

(h) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$2,500.00 for all registered compression vessels and hazardous substance storage tanks located at the facility.

(i) Upon receipt of payment of all applicable registration fees, each facility shall receive a valid registration placard, pursuant to Section 376.3077, F.S. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the storage tank system is located. Posted on the Department website will be information regarding those motor fuel facilities who have not timely paid their registration fees.

(5) Unless a current registration placard is displayed in plain view as required by paragraph 62-762.401(4)(i), F.A.C., no motor fuel may be deposited into a storage tank required to be registered pursuant to this Rule. Facility owners, operators, and suppliers are each responsible for compliance with this provision. For the purposes of this Rule, motor fuels mean petroleum products, including petroleum products blended with biofuels, used for the operation of a motor or engine.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3077 FS. History—New 6-21-04, Amended _____.

Editorial Note: Portions of this rule were relocated to Rule 62-762.421, F.A.C.

62-762.411 Notification.

(1) For Installations:

(a) For the purposes of this subsection, installation shall mean the date that the storage tank system or system component placement or construction will begin.

(b) Notification shall be received by the County in writing or electronic format between 30 and 45 days before installation of a storage tank system or system component unless the County agrees to a shorter time period.

(c) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the installation work to confirm the date and time of the scheduled activities.

(2) For change in service status and closure:

(a) Notification shall be received by the County in writing or electronic format between 30 and 45 days before the initiation of the work related to the change in service status or closure unless the County agrees to a shorter time period.

(b) Notification shall also be received by the County in writing or electronic format between 48 and 72 hours prior to the initiation of the work related to the change in service status or closure to confirm the date and time of the scheduled activities.

(c) A Closure Integrity Evaluation Report Form for ASTs 62-762.901(7), (Closure Integrity Report), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, as prepared in accordance with paragraph 62-762.801(3)(a) or 62-762.802(4)(a), F.A.C., must be provided to the County with the notification of closure. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(3) Internal Inspections. Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period for inspections in accordance with *Tank Inspection, Repair, Alteration, and Reconstruction*, API Std 653, 5th Edition, November 2014, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; and for piping integrity testing pursuant to *Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems*, API 570, 3rd Edition, November 2009, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>. Smaller field erected tanks with capacities less than 250,000 gallons shall be inspected in accordance with API Std 653; or *Standard for the Inspection of Aboveground Storage Tanks*, STI SP001, 5th Edition, Revised 2011, hereby adopted and incorporated by reference and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>. Notification is not required for any STI SP001, API Std 653, and API 570 inspection work or activities where the tank or piping will remain in service or will not be empty, or for routine maintenance.

(4) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-762.901(6), Incident Notification (INF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 72 hours or close of the County's next business day; however an INF need not be submitted if, within 72 hours of discovery, the investigation of the incident in accordance with Rule 62-762.431, F.A.C., confirms that a discharge did or did not occur. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(5) Notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-762.901(1), Discharge Report Form (DRF), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, within 24 hours or before the close of the County's next business day. To obtain copies of

this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(6) Notification is not required for Temporary Out-of-Service or for minor repairs to gauges, vents, or other equipment that is attached to the top of a storage tank.

Rulemaking Specific Authority 376.303, 376.309 FS. Law Implemented 376.303, 376.309 FS. History--New 6-21-04, Amended

Editorial Note: Portions of this rule were copied from Rule 62-762.451, F.A.C.

62-762.421 Financial Responsibility.

(1) Financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum or petroleum product at the facility.

(2) Financial responsibility shall be maintained and demonstrated to the County or Department for all storage tank systems until the storage tank systems are properly closed pursuant to subsections 62-762.801(2) and (3), F.A.C., and subsections 62-762.802(3) and (4), F.A.C., and the Closure Report or the Limited Closure Report Form for ASTs 62-762.901(8), effective date, *(effective date of the rule)*, hereby adopted and incorporated by reference, is submitted to and approved by the County or the Department; and if corrective action is required, until:

(a) An insurance claim is filed; or

(b) Corrective action has been completed pursuant to 62-780, F.A.C.

To obtain copies of Form 62-762.901(8), see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. Pursuant to Section 376.309(1), F.S., the facility owner is responsible for maintaining evidence of financial responsibility and liable in event of noncompliance. If the facility owner, facility operator, tank owner, and tank operator are separate persons, then evidence of financial responsibility may be demonstrated if one of those persons obtains financial responsibility on behalf of the facility owner.

(3) The demonstration of financial responsibility for storage tank systems shall be made available for inspection by the Department or the County. The demonstration of financial responsibility for storage tank systems shall be made by the facility owner in accordance with reference guideline *Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST), Financial Responsibility*, 40 CFR Part 280, Subpart H, July 2015, available from the publisher at the Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or <http://www.ecfr.gov/cgi-bin/text-idx?SID=77a4ede7eedef2cdb918cb52715a2d55&node=sp40.27.280.h&rgn=div6>, or the Department address located in subsection 62-762.211(1), F.A.C. However, Department Form 62-761.900(3) effective date, *(effective date of the rule)*, Financial Mechanisms for Storage Tank Systems, hereby adopted and incorporated by reference, and available in Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, will substitute for the United States Environmental Protection Agency's financial mechanisms; except that:

(a) For a facility with a storage tank system or systems with a cumulative capacity greater than 550 gallons and less than or equal to 10,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$500,000.00 per incident and \$1 million annual aggregate.

(b) For a facility with a storage tank system or systems with a cumulative capacity greater than 10,000 gallons and less than or equal to 30,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$1 million per incident and \$1 million annual aggregate.

(c) For a facility with a storage tank system or systems with a cumulative capacity greater than 30,000 gallons and less than or equal to 250,000 gallons the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$1 million per incident and \$2 million annual aggregate.

(d) For a facility with a storage tank system or systems with a cumulative capacity greater than 250,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$3 million per incident and \$6 million annual aggregate.

Holders of financial responsibility mechanisms and facility owners are encouraged to permanently maintain evidence of financial responsibility and all correspondence with respect to coverage and claims.

(4) The appropriate part(s) of Form 62-761.900(3) shall be used when demonstrating proof of financial responsibility under this Rule, and will satisfy the Certification of Financial Responsibility requirements of 40 CFR 280.111(b)(11). Facility owners shall ensure that copies of the current financial responsibility document(s) are available for inspection at the facility where the storage tank system(s) is located or at their place of business.

Records kept off-site shall be made available for inspection by the Department or County within 5 business days from the receipt of the Department's or County's request.

(5) Financial requirements for the purpose of this Rule, regardless of the date of installation of storage tank systems, shall comply with 40 CFR Part 280, Subpart H, July 2015.

(6) Notwithstanding the facility owner's financial responsibility status, those persons specified in Section 376.308(1), and Sections 403.141 and .161, F.S., shall be liable for any discharge at the facility.

(7) Financial responsibility mechanisms may not include choice of law and venue in favor of jurisdictions other than Florida.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.308, 376.309, 403.091, 403.141, 403.161 FS. History-New

Editorial Note: Portions of this rule were copied from 62-762.401, F.A.C.

62-762.431 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rules 62-762.601 and 62-762.602, F.A.C.:

1. Any visual inspection of any part of a storage tank system, dispenser, pipe, valve, pump, or other wetted portion of the system containing regulated substances that reveals uncontrolled pitting ~~or~~ corrosion, structural damage, leakage, or other similar problems; **Mott-Smith Consulting Group Response: Support revised requirement with the removal of "or" because leaving it in could include surface scale or corrosion that is not controlled, but not immediately harmful. Uncontrolled pitting corrosion is the risk that needs to be managed.**

2. Any visual observation of regulated substances in a containment sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained; or that liquid, other than condensate, has been detected by a sensor in a normally dry interstice;

4. Any visual observation that indicates that liquid level hydrostatic monitoring levels are not being maintained;

5. Any complete loss of vacuum or a 50 percent change in pressure from one month to the next, or any change in pressure exceeding 50 percent of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge;

6. Any visual inspection that indicates the presence of water, regulated substances, other than condensate, in the interstice;

7. Any instance where a mechanical line leak detector is restricting flow;

8. Any instance where an electronic line leak detector has shut off power to the pump; and

9. Any instance where a monitoring device has shut off the pump.

(b) A failed integrity test for the following components:

1. Double-bottomed field erected storage tanks;

2. Double-walled integral piping;

3. Containment sumps; and

4. Spill containment systems.

(c) The presence of odors of regulated substances from surface water or groundwater, soil, basements, sewers, and utility lines at a facility;

(d) The loss of regulated substances from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces;

(e) The loss of a regulated substance exceeding 500 gallons inside a dike field area with secondary containment; and

(f) A failed Closure Integrity Evaluation.

(2) If an incident occurs at a facility, actions shall be initiated within 24 hours of discovery to investigate the incident to determine if a discharge has occurred.

(3) Notification of the discovery of any incident shall be made to the County on an INF in writing or electronic format within 72 hours. However, an INF is not required to be submitted if, within 72 hours of discovery, the investigation of the incident confirms that a discharge did or did not occur.

(4) In cases where an INF is required to be submitted, the investigation shall be completed within 14 days of the date of discovery of the incident to determine if a discharge has occurred. Incident investigations that require additional time can be extended with the written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system or system component shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period to investigate the incident, or at the end of an alternate time period approved by the Department or the County, a determination must be made as to whether the incident was a discharge. If the incident was a discharge, then a DRF shall be submitted in writing or electronic format to the County. If the incident was not a discharge, then a written confirmation and explanation that the incident was not a discharge shall be submitted in writing or electronic format to the County.

(6) The removal of any release of regulated substances into secondary containment shall be initiated within 3 days of discovery, and completed within 30 days of discovery.

(7) If a discharge is discovered at any time during the incident investigation, the discharge shall be reported on a DRF in writing or electronic format, within 24 hours of discovery or before the close of the next business day, and a discharge response shall be initiated in accordance with subsection 62-762.441(6), F.A.C.

(8) All incidents, regardless of whether an INF is required to be submitted, shall be documented and records kept until storage tank system closure in accordance with Rule 62-762.711, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New

Editorial Note: Portions of this rule were copied from Rule 62-762.821, F.A.C.

62-762.441 Discharges.

(1) Discharges include:

(a) Laboratory analytical results of surface water or groundwater samples indicating the presence of contamination by contaminants of concern listed in Table B in Chapter 62-780, F.A.C., that exceed the groundwater or surface water Cleanup Target Levels in Chapter 62-777, F.A.C.;

(b) Laboratory analytical results of soil samples indicating the presence of contamination by contaminants of concern listed in Table B in Chapter 62-780, F.A.C. that exceed the lower of direct exposure residential or leachability based on groundwater criteria cleanup target levels in Chapter 62-777, F.A.C.;

(c) The presence of free product, a visible sheen, sludge, or emulsion of a regulated substance, or a regulated substance that is visibly observed in soil, on or in surface water, in groundwater samples, on basement floors, in open drainage ditches, in open excavations or trenches, in subsurface utility conduits or vaults, or in sewer lines at the facility; and

(d) A spill or overfill of a regulated substance to a pervious surface, except as provided in subsection 62-762.441(5), F.A.C.

(2) Upon discovery of a discharge, the owner or operator shall report the discharge to the County on a DRF within 24 hours or before the close of the County's next business day. If, however, this discovery is thought to be a previously reported discharge, the owner or operator will have 30 days to investigate and submit supporting documentation or a DRF.

(3) Copies of laboratory analytical results that confirm a discharge shall be submitted to the County within 24 hours of receipt of the results or before the close of the next business day in writing or electronic format.

(4) A request for a retraction of a submitted DRF shall be submitted to the County or the Department in writing or electronic format if evidence is presented that a discharge did not occur at the facility.

(5) A DRF does not need to be submitted:

(a) For a discharge that was previously reported to the appropriate County or the Department on a DRF;

(b) For **petroluem** or petroleum product de minimis discharges in accordance with Rule 62-780.560, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in 40 CFR Part 302, July 2002; or **Mott-Smith Consulting Group Response: Typos!**

(c) Regardless of the date of installation of storage tank systems, for petroleum or petroleum product de minimis discharges in accordance with subsection 62-780.560(1), F.A.C.; or

(d) For non-**petroluem** de minimis discharges in accordance with Rule 62-780.550, F.A.C., unless the regulated substance has a more stringent reporting requirement specified in 40 CFR Part 302, July 2002.

(6) Discharge response.

(a) When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:

1. Fire, explosion, and vapor hazards shall be identified and mitigated;

2. Actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (e.g., Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with Chapter 62-780, F.A.C.;

3. Each component of the storage tank system shall be integrity tested within 3 days of discovery of the discharge if the source or cause of the discharge is unknown;

4. The storage tank system component that is discharging shall be isolated from the system within 3 days of discovery of the discharge. If the component cannot be isolated from the system, within 3 days of discovery of the discharge the storage tank system shall not operate, dispense, or accept deliveries, or shall be placed out-of-service in accordance with Rule 62-762.801 or 62-762.802, F.A.C., until the component can be repaired or replaced;

5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-762.701 or 62-762.702, F.A.C.;

6. If the storage tank system component that was found to be discharging will be replaced, it shall meet the storage tank system requirements in accordance with Rules 62-762.501 or 62-762.502, F.A.C.; and

7. If the storage tank system component that was found to be discharging will not be repaired or replaced, the component shall remain isolated from the storage tank system. In cases where the component cannot be isolated from the storage tank system, the system shall remain out-of-service or shall be closed in accordance with Rule 62-762.801 or 62-762.802, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History--New _____.
Editorial Note: Portions of this rule were copied from Rule 62-762.821, F.A.C.

62-762.451 Notification and Reporting.
Rulemaking Specific Authority 376.303, 376.309 FS. Law Implemented 376.303, 376.309 FS. History--New 6-21-04, Repealed _____.

Substantial rewording of Rule 62-762.501, F.A.C., follows. See Florida Administrative Code for present text.

62-762.501 Storage Tank System Requirements for Shop Fabricated Performance Standards for Category C Storage Tanks Systems.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substances and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes, GRI Test Method GM13, Rev. 12, November 2014, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Geosynthetic Institute, 475 Kedron Avenue, Folsom, Pennsylvania 19033-1208, (610) 522-8440, or at <http://www.geosynthetic-institute.org/>, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with Control of Cracking in Concrete Structures (Reapproved 2008), ACI 224R-01, 2008, and Design Considerations for Environmental Engineering Concrete Structures, ACI 350.4R-04, 2004, American Concrete Institute (ACI), and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, February 1997, unless previously lined in accordance with Coatings and Linings over Concrete for Chemical Immersion and Containment Service, NACE Standard SP0892-2007 (formerly RP0892), 2007 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440

South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the General Construction Requirements specified in this section.

4. Secondary Containment constructed with other materials, including pre-hydrated clay liner materials having permeability greater less than or equal to 1×10^{-7} cm/sec, shall be impervious and registered in accordance with Rule 62-762.851(2), F.A.C. ***Mott-Smith Consulting Group Response: Change language to require that clay liners be pre-hydrated and impervious. This will exclude older bentonite systems that have a tendency to crack when they dry out. It will include newer pre-hydrated systems as a secondary containment option. Also include this provision in the field-erected section.***

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, hydrant sumps, and dispenser sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

a. 24 hours for field-fabricated components; or

b. Three hours for factory-made components.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tanks with closed interstice after it is delivered to the facility, and before the storage tank is placed into service. This test shall be performed in accordance with *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-13, 2013 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/.

10. Before integral piping is placed into service, an interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-11, 2011 Edition; and *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-12, 2012 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/.

11. If double-walled spill buckets are installed, an interstitial integrity test shall be performed in accordance with PEI/RP1200-12 before the spill bucket is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(g), F.A.C., or another method of monitoring to allow for a determination of current operating status. Cathodic protection test stations shall provide direct access to the soil electrolyte in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.701(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies registered with the Department in accordance with Rule 62-762.851(2), F.A.C., provide an alternative to cathodic protection for

protection of metal surfaces within the secondary containment. Vapor corrosion inhibitors (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.701(3), F.A.C.

(e) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems, and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with the applicable provisions of *Flammable and Combustible Liquids Code, Storage Tank Buildings*, NFPA 30; *Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/; *Process Piping*, ASME B31.3, 2012 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ASME International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800) 843-2763, or the publisher's website at <http://www.asme.org/>; and PEI/RP200-13.

(i) Whenever integral piping in contact with the soil is installed or relocated after *(effective date of the rule)*, a survey drawing of the underground integral piping, signed and sealed by a professional land surveyor or professional engineer licensed in the State of Florida, shall be completed and maintained as a record in accordance with Rule 62-762.711, F.A.C.

(2) Storage Tank Installation.

(a) In addition to the requirements of paragraph 62-762.501(1)(g), F.A.C., storage tank systems shall be installed according to the applicable provisions of *Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids*, STI R912, Revised November 2015, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following requirements hereby adopted and incorporated by reference, and available from the Department address given in subsection 62-762.211(1), F.A.C., and the publisher's addresses given in subsection 62-762.211(2), F.A.C.:

a. *Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*, UL 142, Revised August 2014, 9th Edition;

b. *Welded Tanks for Oil Storage*, API Std 650, 12th Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), March 2013;

c. *Specification for Fiberglass Reinforced Plastic Tanks*, API Spec 12P, 3rd Edition, October 2008;

d. *Standard for Aboveground Tanks with Integral Secondary Containment*, STI F921®, Revised October 2014;

e. *Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids*, UL 2085, September 2003, 3rd Edition.

f. *Flameshield® Standard for Fire Tested Tanks*, STI F001, October 2014;

g. *Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks*, STI F941, May 2015; or

h. *Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank*, STI F011, October 2014.

2. Storage tanks that meet the above performance requirements, that are constructed of equivalent material, or have an equivalent design shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion

protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with *Cathodic Protection of Aboveground Petroleum Storage Tanks*, API RP 651, 4th Edition, September 2014, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; and *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, NACE Standard RP0193-2001, 2001 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with subparagraph 62-762.501(1)(c)1., F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.701(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional, and be installed with at least one electrical resistance probe test location, or a method of monitoring to allow for a determination of the corrosion rate on the underside of the tank floor, or other interstitial or metallic surface. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.701(2), F.A.C.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code, Storage of Liquids in Tanks - Aboveground Storage Tanks*;

b. Contain a minimum of 110 percent of the maximum capacity of the storage tank located within the dike field area; or of the largest single-walled storage tank located within a dike field area containing more than one storage tank. For dike field areas containing more than one storage tank, capacity calculations shall be made after deducting the volume of the storage tanks, other than the largest storage tank, below the height of the dike;

c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:

i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or

ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and

d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the discharge of regulated substances.

(e) Overfill protection.

1. 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.

2. All storage tanks shall be equipped with at least one of the following overfill protection devices:

a. A level gauge or other measuring device that accurately shows the level of regulated substances in the storage tank, and that is visible to the person who is monitoring the filling that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation; **Mott-Smith Consulting Group Response: This will differentiate between a level gauge and a vacuum gauge. Okay**

b. A high level (at 90 percent tank capacity) warning alarm that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

c. A high level (at 90 percent tank capacity) liquid flow cutoff controller that shall be registered in accordance

with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation; or

d. An impervious dike field area designed to contain overfills.

3. Storage tanks with capacities of 15,000 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.

4. Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.

(f) Spill containment systems.

1. Storage tanks shall be installed with a spill containment system at each storage tank fill connection, except within dike field areas with secondary containment. The spill containment system shall meet the requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C.

2. Fillbox covers, regardless of the date of installation of the storage tank system, shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API RP 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; or *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Energy Institute, 62 New Cavendish Street, London W1G 7AR, United Kingdom, +44 (0) 20 7467 7100, or the publisher's website at <https://www.energyinst.org/home>; or with an equivalent method approved by the Department in accordance with subsection 62-762.851(1), F.A.C.

3. Spill containment systems, including double-walled spill containment systems, shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(g) Dispensers and dispenser sumps.

1. The dispenser used for transferring fuels from storage tanks to vehicles or portable containers shall be installed and maintained in accordance with the provisions of NFPA 30, and Chapter 6, *Fuel Dispensing Systems*; Chapter 9, *Operational Requirements*; and Chapter 11, *Marine Fueling* of NFPA 30A *Motor Fuel Dispensing Facilities and Repair Garages*, 2015 Edition.

2. Dispensers shall be installed with a dispenser sump, except those within an impervious dike field area with secondary containment, meeting the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and registered in accordance with subsection 62-762.851(2), F.A.C. The dispenser sump shall extend beneath the union of the integral piping and the dispenser, including the shear valve, if applicable. Dispensers mounted directly upon the storage tank or that are otherwise associated with storage tank systems that do not have underground integral piping are exempt from this requirement.

3. Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(h) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The piping sumps shall be designed, constructed, and installed to minimize water entering the sump.

2. Piping sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(i) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use, and be registered in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material.

(j) Relocation of storage tanks. Storage tanks that have been removed and reinstalled at a different property shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C. They shall be reinstalled in accordance with manufacturer's specifications and inspected in accordance with STI SP001, and with the requirements in Rule 62-762.501, F.A.C.

(3) Small diameter integral piping.

(a) Installation.

1. All integral piping installed after *(effective date of the rule)*, shall be installed in accordance with the manufacturer's instructions, if applicable, and according to the applicable provisions of PEI/RP200-13; Chapter 27 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code*, *Piping Systems*; NFPA 30A; and *Pipeline*

Transportation Systems for Liquids and Slurries, ASME B31.4, 2012 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ASME International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, (800) 843-2763, or the publisher's website at <http://www.asme.org/>.

2. An interstitial integrity test shall be performed on double-walled integral piping that is in contact with the soil, or that transports regulated substances over surface waters of the state in accordance with PEI/RP100-11, and PEI/RP1200-12, before the integral piping is placed into service.

3. All new integral piping that is not in contact with the soil, shall meet the construction requirements in paragraphs 62-762.501(3)(a) through (c), F.A.C., and shall be UV rated if exposed to sunlight if made of non-metallic materials.

4. New double-walled integral piping that is in contact with the soil shall be installed with a slope to a low point monitoring system. Double-walled integral piping utilizing hydrostatic, pressure or vacuum monitoring are not subject to this requirement.

5. All new pressurized small diameter integral piping that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C. The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Section 7 of PEI/RP200-13, *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling, Pumps and Valves*.

6. All pressurized small diameter integral piping installed prior to (effective date of the rule), that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C., within one year of (effective date of the rule). The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Section 7 of PEI/RP200-13. Line leak detectors must be located downstream from the anti-siphon or solenoid valve. Line leak detectors are not required for piping that is not in contact with the soil.

Mott-Smith Consulting Group Response - support

(b) Secondary containment.

1. All small diameter integral piping, including remote fill piping, that is in contact with the soil or that transports regulated substances over surface waters of the state, including those that contain used oil, shall have secondary containment.

2. Small diameter integral piping containing high viscosity products are exempt from the requirements for secondary containment.

3. Single-walled integral piping that is in contact with the soil, and is not exempt pursuant to subparagraph 62-762.501(3)(b)2., F.A.C., shall be immediately and permanently closed in accordance with subsection 62-762.801(2), F.A.C.

(c) Construction.

ASK JOHN1. Fiberglass reinforced plastic piping, semi-rigid non-metallic, or other non-rigidmetallic piping installed in contact with the soil shall be installed in accordance with *Non-metallic Underground Piping for Flammable Liquids*, UL 971, June 2008, 2nd Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-762.851(2), F.A.C. **Mott-Smith Consulting Group Response: substituting non-rigid in place of metallic will allow piping manufactured by Brugg and other manufacturers who use aluminum or stainless steel primaries with semi-rigid HD polyethylene pipe can be included in this section.**

2. Rigid metallic integral piping shall be constructed in accordance with ASME B31.3 or PEI/RP200-13. In addition, steel integral piping in contact with the soil shall be cathodically protected in accordance with the following documents: *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API RP 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>; and *Recommended Practice for Corrosion Protection of*

Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, STI R892, Revised January 2006, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>.

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30.

4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

5. Small diameter piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional, and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.701(2), F.A.C.

(d) Valves.

1. Shear valves. Pressurized small diameter integral piping systems connected to dispensers shall be installed with shear valves or emergency shutoff valves in accordance with Section 6.3 of NFPA 30A, *Motor Fuel Dispensing Facilities and Repair Garages, Requirements for Dispensing Devices*. These valves shall be designed to close automatically if a dispenser is displaced from its normal position. The valves shall be rigidly anchored independently of the dispenser. The valves shall be tested in accordance with PEI/RP1200-12 at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly, and that the valve is properly anchored.

2. Isolation block valves. Any storage tank system, regardless of the date of installation of the storage tank system, located at an elevation that produces a gravity head on the dispenser or on small diameter integral piping positioned below the product level in the tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code, Tank Openings Other Than Vents*.

3. Anti-siphon valves. For storage tank systems with dispensers installed after, (effective date of the rule) that are subject to NFPA 30A, and that produce a gravity head on small diameter integral piping positioned below the product level in the tank, anti-siphon valves shall be installed and maintained in accordance with Section 7 of PEI/RP200-13, and Section 11.2 of NFPA 30A, *Marine Fueling, Storage*. For such storage tank systems installed prior to (effective date of the rule) anti-siphon valves shall be installed within one year of (effective date of the rule). Integral piping located within an impervious dike field area does not require anti-siphon valves.

Mott-Smith Consulting Group Response - support

4. Storage tank systems without dispensers installed after, (effective date of the rule) that produce a gravity head on small diameter integral piping positioned below the product level in the tank, must be installed with valves or piping designed to prevent the tanks from emptying if there is a leak or break in the integral piping in accordance with NFPA 30. For such storage tank systems installed prior to (effective date of the rule) valves or piping designed to prevent the tanks from emptying if there is a leak or break in the integral piping shall be installed within one year of (effective date of the rule).

(4) Bulk product piping associated with shop fabricated storage tanks shall meet the requirements of subsection 62-762.502(4), F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended.

62-762.502 Storage Tank System Requirements for Field Erected Storage Tanks.

(1) General requirements.

(a) Wellhead Protection. Persons are advised that Chapter 62-521, F.A.C., contains restrictions regarding the location of storage tank systems within 500 feet of a potable water well

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substances and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with GRI Test Method GM13, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with ACI 224R-01, and ACI 350.4R-04, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, unless previously lined in accordance with NACE Standard SP0892-2007, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the general construction requirements specified in this section.

4. Secondary Containment constructed with other materials, including pre-hydrated clay liner materials having permeability greater less than or equal to 1×10^{-7} cm/sec, shall be impervious and registered in accordance with subsection 62-762.851(2), F.A.C. *Mott-Smith Consulting Group Response: Change language to require that clay liners be pre-hydrated and impervious. This will exclude older bentonite systems that have a tendency to crack when they dry out. It will include newer pre-hydrated systems as a secondary containment option. Also include this provision in the shop-fabricated section.*

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. Containment and interstitial, as applicable, integrity tests shall be performed for all spill containment systems, piping sumps, and hydrant sumps before placing the components into initial use. The tests shall be in accordance with manufacturer's requirements. If a hydrostatic test is used, it shall be performed for at least:

a. 24 hours for field-fabricated components; or

b. Three hours for factory-made components.

ASK JOHN9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tank with closed interstice after it is constructed at the facility, and before the storage tank is placed into service. This test shall be performed in accordance with *PEI/RP200 13, Mott-Smith Consulting Group Response – PEI RP 200 is for shop-fabricated tanks. Shouldn't API 650 apply?*

10. An interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with PEI/RP100-11, and PEI/RP1200-12, before the small diameter integral piping is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(g), F.A.C., or another method of monitoring to allow for a determination of current operating status. Cathodic protection test stations shall provide direct access to the soil electrolyte in close proximity to each cathodically protected structure for placement of reference electrodes, and monitoring wires that connect directly to cathodically protected structures. Facilities where direct access to soil in close proximity to cathodically protected structures is present, and where electrical connections to cathodically protected structures can be conveniently accomplished, need not have separate dedicated cathodic protection test stations.

2. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.702(2), F.A.C.

3. Any field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI).

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies, registered with the Department in accordance with subsection 62-762.851(2), F.A.C., provide an alternative to cathodic protection for protection of metal surfaces within the secondary containment. VCI effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by, or under the direction of, a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.702(3), F.A.C.

(e) Compatibility. The primary and secondary walls of storage tank systems shall be made of, or internally lined with, materials that are compatible with the regulated substance stored in the storage tank systems and with substances or conditions present in the environment. All storage tank systems containing blends of ethanol, biodiesel, or other biofuels and additives shall be compatible with regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with the applicable provisions of API Std 650, NFPA 30, NFPA 30A, ASME B31.3-2012, and PEI/RP200-13.

(i) Whenever integral piping in contact with the soil is installed or relocated after *(effective date of the rule)*, a survey drawing of the underground integral piping, signed and sealed by a professional land surveyor or professional engineer licensed in the State of Florida, shall be completed and maintained as a record in accordance with Rule 62-762.711, F.A.C.

(2) Storage tank installation.

(a) All storage tank systems shall be installed in accordance the applicable provisions of Chapter 22 of NFPA 30.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following:

a. *Design and Construction of Large, Welded, Low-Pressure Storage Tanks*, API Std 620, 12th Edition, October 2013, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; or

b. API Std 650.

2. Storage tanks shall be inspected and tested at a frequency established in accordance with API Std 653, and maintained for the life of the tank.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with API RP 651, or NACE Standard RP0193-2001. Storage tanks that have been upgraded with secondary containment consisting of a new steel bottom that is not in contact with the soil are not required to have cathodic protection on the new steel bottom;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with paragraph 62-762.502(1)(c), F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.702(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed in accordance with the requirements specified in subsection 62-762.702(3), F.A.C., and under the direction of a Corrosion Professional.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

- a. Conform to the requirements of Chapter 22 of NFPA 30;
- b. Contain a minimum of 110 percent of the maximum capacity of the storage tank located within the dike field area; or of the largest single-walled storage tank located within a dike field area including more than one storage tank. For dike field areas containing more than one storage tank, capacity calculations shall be made after deducting the volume of the storage tanks, other than the largest storage tank, below the height of the dike;
- c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:
 - i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or
 - ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and
- d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the release of regulated substances.

4. Storage tanks where the entire bottom of the tank is in contact with concrete, and the concrete is not sealed in accordance with paragraph 62-762.502(1)(b), F.A.C., do not have to seal the concrete beneath the tank until such time as the tank bottom is replaced. Concrete secondary containment systems designed in accordance with subparagraph 62-762.502(1)(b)3., F.A.C., do not have to be sealed.

5. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, an alternative dike field secondary containment system registered in accordance with subsection 62-762.851(2), F.A.C., may be used. Alternative dike field secondary containment systems are not allowed in public wellhead protection areas. The alternative dike field secondary containment system, regardless of the date of installation of the storage tank system, must provide:

- a. Continuous tank shell monitoring with approved probes, cables, or electronic sensors;
- b. Immediate electronic notification to the owner or operator of overfills and leaks from the tank shell;
- c. Stormwater management;
- d. A high and a high-high level overfill alarm system with an annual test of operability, in accordance with *Overfill Protection for Storage Tanks in Petroleum Facilities*, API RP 2350, 4th Edition, May 2012, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>;
- e. An impervious overfill retention system that will contain the volume of product that would be transferred at the maximum flow rate for a period of 5 minutes by the pump(s) used for filling the tank;
- f. An automatic system for shutting off the pump(s) used for filling the tank by an electronic signal from the continuous tank shell monitoring system, or an automatic system for the closing of any valve whose actuation time will stop the product transfer without inducing hydraulic hammer into the transfer system. The system must be designed to operate in conjunction with the impervious overfill retention system and be capable of preventing any discharge of product being transferred during and after the time needed to shut off the pump or close the valve;
- g. Equipment that is designed to be secondary containment in accordance with paragraph 62-762.502(1)(b), F.A.C., installed around or beneath pumps and valves within the dike field or secondary containment area; and
- h. For new tanks, a release prevention barrier underneath the tank in accordance with API Std 650, Appendix I, or an equivalent system registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

6. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, a double-walled storage tank may be used. The storage tank must be constructed in accordance with API Std 650.

7. Release prevention barriers for dike-field containment systems shall be impervious and be designed and constructed in accordance with API Std 650, or be registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

(e) Overfill protection.

1. No transfer of regulated substances shall be made unless the volume available in the tank is greater than the volume of regulated substances to be transferred. The transfer shall be repeatedly monitored to prevent overfilling.
2. Overfill protection shall be performed in accordance with API RP 2350.
3. All overfill alarms shall be annually tested for alarm function.

(f) Spill Containment. Storage tanks that are loaded by trucks shall be installed with a spill containment system at each tank fill connection within 6 months of *(effective date of the rule)*, except for tank fill connections located within dike field areas with secondary containment or within tank truck containment areas. The spill containment

system shall meet the requirements of paragraph 62-762.502(1)(b), F.A.C.

(g) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.502(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The sumps shall be designed, constructed, and installed to prevent water entering the sump.

2. Piping sumps shall be installed to allow for interstitial monitoring of the integral piping and monitoring of the piping sump, as applicable, in accordance with Rule 62-762.601, F.A.C.

(h) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use, and shall be registered in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material. Hydrant sumps shall be containment integrity tested in accordance with subparagraph 62-762.502(1)(b)8., F.A.C.

(i) Relocation of storage tanks. Storage tanks that have been removed and that are to be reinstalled at a different location shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C., and reinstalled in accordance with API Std 653.

(3) Small diameter integral piping associated with field erected storage tanks shall meet the requirements of 62-762.501(3), F.A.C.

(4) Bulk product piping.

(a) Installation.

1. Bulk product piping shall be constructed and installed in accordance with the applicable provisions of Chapter 27 of NFPA 30; and either ASME B31.3 or B31.4; or *Welding of Pipelines and Related Facilities*, API Std 1104, 21st Edition, includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and Addendum 1 (2014), September 2013, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>. **Mott-Smith Consulting Group Response: Support both revised requirements**

2. All new bulk product piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-762.502(4)(a) and (c), F.A.C.

3. An integrity test shall be performed for underground bulk product piping for high viscosity products in accordance with Chapter 27 of NFPA 30, before the piping system is placed into initial use. An interstitial integrity test shall be performed for underground bulk product piping with secondary containment in accordance with subsection 62-762.702(4), F.A.C., or Chapter 27 of NFPA 30 before the piping is placed into initial use.

(b) Secondary containment.

1. All bulk product piping, including such piping that contains used oil, that is in contact with the soil or that transports regulated substances over surface waters of the state shall have secondary containment.

2. Single-walled bulk product piping that was installed before June 30, 1992, and that had an initial structural evaluation performed in accordance with API 570 before January 1, 2000, is exempt from this requirement if the evaluation indicated that the bulk product piping had remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570 inspection indicates that repair, upgrading or closure is necessary.

3. Bulk product piping containing high viscosity products are exempt from the requirements for secondary containment.

4. Single-walled bulk product piping that is in contact with the soil and is not exempt pursuant to subparagraphs 62-762.502(4)(b)2. and 3., F.A.C., shall be immediately and permanently closed in accordance with subsection 62-762.802(3), F.A.C.

5. Bulk product piping in contact with the soil containing high viscosity products may be converted to non-high viscosity product service without having to install secondary containment if an API 570 integrity assessment is performed and confirms that the piping has remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570 inspection indicates that repair, upgrading or closure is necessary.

(c) Construction.

1. New steel bulk product piping shall be constructed in accordance with ASME B31.3 or 31.4, or API STD 1104. Bulk product steel integral piping in contact with the soil shall be cathodically protected in accordance with API RP 1632, NACE Standard SP0169-2013, or STI R892. Corrosion Protection can also be provided using vapor

corrosion inhibitors registered in accordance with subsection 62-762.851(2), F.A.C. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional.

2. Bulk product piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

3. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.702(2), F.A.C.
Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New

62-762.511 Performance Standards for Category-A and Category-B Storage Tank Systems.
Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed

Substantial rewording of Rule 62-762.601, F.A.C., follows. See Florida Administrative Code for present text.

62-762.601 Release Detection Requirements for Shop Fabricated Storage Tank Systems ~~Standards~~.

(1) General requirements.

(a) Storage tank systems shall have a method or combination of methods of release detection that can detect a new release from any portion of the storage tank system.

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system within 90 days of *(effective date of the rule)*, in accordance with subsection 62-762.801(2), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring which shall be conducted in accordance with this section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or visual release detection methods.

(d) Except as otherwise specified in this Rule, the release detection method or combination of methods used at a facility shall be performed at least once every calendar month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. At least once a month, but not exceeding 35 days, 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 or corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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. A monthly visual inspection is not required for any system component using an electronic release detection method; however, piping and dispenser sumps that use an electronic release detection method must also be visually inspected every 6 months and records kept of the visual inspection. **Mott-Smith Consulting Group Response – Same as previous comments.**

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-762.701(4), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status, and testing results related to suspected releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status, and testing results.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable.

(i) Storage tank systems containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir, and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels cannot be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Pressure readings shall be able to detect a 50 percent change from one month to the next, or any change in pressure exceeding 50 percent of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. **Mott-Smith Consulting Group Response - Support**

b. Liquid-filled gauges shall be calibrated using the National Institute of Standards and Technology (NIST) traceable standards, hereby adopted and incorporated by reference, prior to initial operation. Information on NIST can be obtained from 100 Bureau Drive, Stop 1070, Gaithersburg, Maryland 20899-1070, (301) 975-6478, or at <http://www.nist.gov/index.html>. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water or regulated substances in the interstice is considered a positive response. 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.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of liquid at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substance in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(3) Storage tanks without secondary containment.

(a) Required release detection methods. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed in accordance with paragraph 62-762.601(1)(e), F.A.C.

(b) Performance Requirements. Visual inspections of storage tanks shall include an inspection of the exterior of each tank, the integral piping, and any other storage tank system components.

(4) Small diameter integral piping with secondary containment.

(a) One or more of the applicable release detection methods in subsection 62-762.601(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter 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. Mechanical line leak detectors. Mechanical line leak detectors shall be capable of detecting a discharge of

3.0 gph with a probability of detection of 0.95, and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and restrict flow within one hour. Any instance where the mechanical line leak detector is restricting flow is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Electronic line leak detectors. Electronic line leak detectors shall be capable of detecting a discharge of 3.0 gph with a probability of detection of 0.95, and a probability of false alarm of 0.05 at an equivalent line pressure of 10 psi and shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Electronic interstitial monitoring devices. Storage tank systems without line leak detectors, shall have electronic interstitial monitoring devices that are capable of detecting a release of 10 gallons within one hour and shutting off the pump. Any instance where the monitoring device has shut off the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(5) Bulk product piping and hydrant piping with secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(5), F.A.C.

(6) Bulk product and hydrant piping without secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(6), F.A.C.

(7) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third-party certification by a Nationally Recognized Testing Laboratory.

(8) Records shall be kept for 3 years generated on or after *(effective date of the rule)*. Records generated before *(effective date of the rule)*, are required to be kept for 2 years, in accordance with Rule 62-762.711, F.A.C. *Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended*.

62-762.602 Release Detection Requirements for Field Erected Storage Tank Systems.

(1) General requirements.

(a) Storage tank systems shall have a method or combination of methods of release detection that can detect a new release from any portion of the storage tank system.

(b) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-762.802(3), F.A.C.

(c) Any component of a storage tank system with an interstice shall have a method of interstitial monitoring which shall be conducted in accordance with this section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or visual release detection methods.

(d) Except as otherwise specified in this Rule, the release detection method or combination of methods used at a facility shall be performed at least once every calendar month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

(e) Visual inspections. At least once a month, but not exceeding 35 days, every component of a storage tank system that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances 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 or corrosion, structural damage, leakage, or other similar problems is considered a positive response. 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 62-762.702, F.A.C. A visual inspection is not required for any system component using an electronic release detection method.

Mott-Smith Consulting Group Response – Same as previous comments

(f) Electronic and mechanical release detection devices shall be:

1. Installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, and shall be designed and installed to provide service checks for operability to ensure that the device is functioning in accordance with subsection 62-762.702(4), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that controllers or annunciators that are used to display leak detection test results are not required to be registered.

(g) Electronic release detection devices shall be inspected for proper operation at least once every calendar month, but not exceeding 35 days. A record or summary of the alarm history, sensor status, and testing results related to suspected releases shall be printed from any electronic release detection device. If the release detection system is not capable of printing records, a manual log shall be maintained of the alarm history, sensor status, and testing results.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used.

(i) Storage tank systems containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid levels cannot be maintained. Any alarm that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

2. Vacuum monitoring. This method shall be able to detect incidents by determining changes in vacuum levels within the interstice by continuous monitoring of vacuum levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if vacuum levels can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

3. Pressure monitoring. This method shall be able to detect incidents by using an inert gas and determining changes in pressure levels within the interstice by continuous monitoring of pressure levels and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if pressure levels can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid in the interstice or monitoring low point and to provide immediate electronic notification with an audible or visual alarm to the owner or operator if liquid is detected. Any alarm that indicates the presence of liquid is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

5. Visually inspected liquid level monitoring systems. This method shall be able to detect incidents by determining changes in liquid levels within the interstice and monitoring reservoir. Any visual observation that indicates that liquid levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

6. Visually inspected vacuum or pressure monitoring with gauges. This method shall be able to detect incidents by determining changes in vacuum or pressure levels within the interstice.

a. Pressure readings shall be able to detect a 50 percent change from one month to the next, or any change in pressure exceeding 50 percent of the initial level or of a pressure level that is reestablished at the time of an incident investigation or annual testing of the gauge, and for vacuum systems, any complete loss of vacuum or positive pressure reading. Vacuum or pressure refreshment must be performed in accordance with manufacturer's specifications and the system's equipment registration in subsection 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. **Mott-Smith Consulting Group Response - support**

b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation. The gauges shall be operational at all times.

7. Visual monitoring of normally dry interstices. This method shall be able to detect the presence of liquid at a low point of the interstice. Any presence of water or regulated substances in the interstice is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of regulated substances at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substances in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(3) Storage tanks without secondary containment.

(a) Required release detection methods.

1. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed

in accordance with paragraph 62-762.602(1)(e), F.A.C.

2. Storage tanks, except those containing high viscosity product, shall have one of the following methods of release detection:

a. Electronic sensing equipment installed beneath the storage tank.

b. External monitoring using tracer or helium testing systems registered in accordance with subsection 62-762.851(2), F.A.C.

c. Another method registered in accordance with subsection 62-762.851(2), F.A.C.

(b) Performance Requirements. Single-walled release detection systems shall be designed and constructed to allow monitoring of the tank for the purpose of discovering if an incident has occurred. Single-walled release detection systems shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the testing or sampling method inoperative.

1. Electronic sensing equipment placed externally around storage tanks that involve the use of electronic sensors, probes, or fiber-optic systems shall be tested at least annually at intervals not exceeding 12 months to verify that they operate properly. Groundwater and vapor monitoring wells using the placement of sensors or probes in vertical, horizontal, or directionally-drilled wells shall be designed and installed in accordance with the equipment registration for that system.

2. Visual inspections of field erected storage tanks shall include an inspection of the exterior of each tank, the integral piping system, the dike field area, and any other storage system components.

(4) Small diameter integral piping with secondary containment associated with field erected storage tank systems shall meet the requirements of subsection 62-762.601(4), F.A.C.

(5) Bulk product piping and hydrant piping with secondary containment shall have one or more of the release detection methods in subsection 62-762.602(2), F.A.C.

(6) Bulk product and hydrant piping without secondary containment. Single-walled bulk product and hydrant piping in contact with the soil, except those containing high viscosity product, shall have one or more of the following release detection methods:

(a) An annual line pressure test performed in accordance with *Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide*, API RP 1110, 6th Edition, February 2013, hereby adopted and incorporated by reference, and available from the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>, regardless of the date of installation of the piping.

(b) External monitoring shall be performed in accordance with the requirements of paragraph 62-762.602(1)(d), F.A.C., if designed to detect a discharge from any portion of the integral piping. External release detection methods using fiber optic, acoustic, helium, cable, and chemical marker release detection methods shall be performed monthly, or annually at intervals not exceeding 12 months if approved by a Nationally Recognized Testing Laboratory as having a 0.2 gallons per hour leak rate detection capability.

(c) Internal release detection methods, other than pressure testing, which are registered in accordance with subsection 62-762.851(2), F.A.C., shall be able to detect a leak of 0.2 gallons per hour with a probability of detection of 0.95, and a probability of false alarm of 0.05. Internal release detection systems meeting the 0.2 gallons per hour threshold shall be performed annually at intervals not exceeding 12 months. Annual pigging of bulk product piping can be performed as a method of internal release detection instead of other methods specified above. The pigging must provide ultrasonic thickness, magnetic flux, or other data that demonstrates that the piping does not have holes or sources where product leaks from the pipe.

(d) Bulk product and hydrant piping not in contact with the soil shall be visually inspected in accordance with paragraph 62-762.602(1)(e), F.A.C., monthly but not exceeding 35 days.

(7) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed. Remote testing of the system can be performed by the manufacturer if the remote test is included in the third-party certification by a Nationally Recognized Testing Laboratory.

(8) Records shall be kept for 3 years generated on or after *(effective date of the rule)*. Records generated before *(effective date of the rule)*, are required to be kept for 2 years, in accordance with Rule 62-762.711, F.A.C. *Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New*.

62-762.611 Release Detection Methods.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed.

62-762.641 Performance Standards for Release Detection Methods.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed.

62-762.701 Repairs, Operation and Maintenance of Shop Fabricated Storage Tank Systems.

(1) General.

~~(a)~~ Repairs.

~~(a)1-~~ Repairs shall be performed if any component of a storage tank system ~~has is discovered to have:~~

~~1a. A release or discharge. Discharged or has contributed to the release or discharge of a regulated substance;~~
or

~~b. A release of regulated substances or AST water bottoms into secondary containment;~~

~~2e. The presence of groundwater in the interstice of an underground double-walled pipe; or~~

~~3d. An operational or structural problem that could potentially result in a discharge or release or discharge, or lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.~~

~~(b)2-~~ The storage tank system shall immediately cease operating, dispensing, and accepting deliveries, if:

~~1. Repairs are required for any component of a storage tank system; and~~

~~2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shutdown of electrical generating units serviced by the storage tank system. If repairs are required for any component or part of a storage tank system, and the nature of the repair activities or the condition of the component or part of the system requiring a repair may result in a release, and the component or part cannot be otherwise isolated from the system, the storage tank system shall be taken out of operation until the tank has been repaired or replaced. The restrictions against storage tank system operation shall not apply if the system contains heating oil or other fuels used solely for the generation of electricity where the removal of the storage system from service would result in the shut down of electrical generating units serviced by the system.~~

~~(c)3-~~ Repairs shall be made:

~~1a. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure for the remaining operational life of the storage tank system; and in a manner that will prevent discharges from structural failure or corrosion for the remaining operational life of the storage tank system;~~

~~2b. In accordance with manufacturer's specifications and NFPA Standard 30 or other applicable reference requirements standards; and~~

~~c. To restore the structural integrity of the storage tank system.~~

~~(d)4-~~ Repairs shall be evaluated and performed in accordance with *Standard for Repair of Shop Fabricated Aboveground Tanks*, STI SP031, 4th Edition, November 2008, hereby adopted and incorporated by reference, and available from the address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>, or other equivalent procedures, regardless of the date of installation of the storage tank system or storage tank system component. Repaired components shall be tightness tested, pressure tested, or tested for a breach of integrity, as applicable, before being placed back into service.

~~(e)5-~~ Repaired tanks, integral piping, sumps, and spill containment systems shall be integrity tested for liquid tightness before being placed back into operation. Repairs to fiberglass reinforced plastic tanks shall be made by an authorized representative of the tank manufacturer or its successor, or in accordance with subsection 62-762.501(2), F.A.C.

~~(f)6-~~ Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or repaired. Repairs of pipe sections, sump penetration fittings, and pipe fittings shall may be made repaired in accordance with applicable requirements standards in subsections 62-762.501(3) and (4) 62-762.501(3), F.A.C. Replacement of additional lengths of single-walled piping in contact with the soil are exempt from the requirements for secondary containment, provided that:

~~1a. The piping system does not have, or will not have to install, secondary containment until the deadlines established in Rule 62-762.501 62-762.511, F.A.C.; and~~

~~2b. The length of replacement or additional piping is less than 25 percent% of the total length of the existing~~

integral piping for the individual tank, or 100 feet, whichever is more less for each repair event.

~~(2)(b)~~ Cathodic and corrosion protection.

~~(a)1-~~ Cathodic and corrosion protection systems shall be ~~installed~~, operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil or within interstitial spaces using vapor corrosion inhibitor technologies.

~~(b)2-~~ Inspection and testing requirements.

~~1a. General.~~ Storage tank systems equipped with ~~any type of~~ cathodic protection, regardless of the date of installation of the storage tank system or storage tank system component, must be inspected, and tested, and evaluated by or under the direction of a Corrosion Professional or a Cathodic Protection Tester within six months of installation or repair and at least every year, or every 3 years for factory installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in SP0169-2013, and External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011, 2011 Edition, hereby adopted and incorporated by reference, and available in paragraph 62-762.211(2)(g), F.A.C., regardless of the date of installation of the storage tank system or storage tank system component. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph thereafter in accordance with the criteria contained in NACE International RP-0169-96 and RP-0193-93, as applicable. Factory-installed (galvanic) cathodic protection systems may be tested every three years.

~~2b. Storage tank systems equipped with impressed current systems.~~ Storage tank systems with impressed current systems shall be inspected at intervals not exceeding once every 60 days two months. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 2,976 1440 hours in one year shall be assessed within 30 days by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria or be taken out-of-service and assessed by a Corrosion Professional before being returned to service. **Mott-Smith Consulting Group Response – Support the increase, but will pursue an Alternative Procedure as per previous telephone conversations.**

~~(c)e-~~ Records of the continuous operation of impressed current systems and all cathodic protection inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(c), F.A.C. Sacrificial anode systems. Storage tank systems with sacrificial anodes shall either have permanent test stations for soil to structure potential measurements or use temporary field test stations for annual testing in accordance with sub-subparagraph 62-762.701(1)(b)2.a., F.A.C.

~~(d)3-~~ Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

~~1a.~~ Be repaired within 90 days in accordance with paragraph 62-762.701(1)(c), or paragraph 62-762.702(1)(c) sub-subparagraph 62-762.701(1)(b)2.a., F.A.C., or

~~2b.~~ Be closed ~~placed out of service~~ in accordance with subsection 62-762.801(2), or subsection 62-762.802(3) 62-762.801(1), F.A.C.

~~4.~~ Records of the continuous operation of impressed current systems and all cathodic protection inspection and testing activities shall be maintained in accordance with paragraph 62-762.701(1)(b), F.A.C.

~~(3)~~ Vapor Corrosion Inhibitor Systems.

~~(a)~~ Vapor Corrosion Inhibitor systems, if installed, shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed spaces for storage tank systems.

~~(b)~~ Inspection and testing requirements.

~~1.~~ Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within 6 months of installation or repair and at least every year thereafter.

~~2.~~ Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's instructions.

~~(c)~~ Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(c), F.A.C.

~~(d)~~ Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

~~1.~~ Be replenished or replaced within 90 days and be retested within 90 days from the date of replenishment; or

2. Be closed in accordance with subsection 62-762.801(2), F.A.C.

~~(4)(e)~~ Operation and maintenance.

(a) Integrity testing.

1. The integrity of secondary containment systems and interstitial spaces, regardless of the date of installation of the storage tank system or storage tank system component, shall be verified by performing an interstitial or containment integrity test in accordance with manufacturer's specifications or PEI/RP1200-12. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule: Spill containment devices, dispenser liners, and piping sumps shall be maintained to provide access for monthly examination and water removal as necessary. Water collected in spill containment devices, or in piping sumps and dispenser liners that is above the opening of the integral piping connection, or any regulated substances collected in these storage tank system components shall be removed and be either reused or properly disposed of.

a. Double-walled storage tanks and below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;

b. Below-grade piping sumps shall be tested by October 13, 2018, and every 3 years thereafter;

c. Below-grade dispenser sumps shall be tested by October 13, 2018, and every 3 years thereafter;

d. ~~B~~The interstice of below-grade double-walled integral piping ~~having a closed interstice~~ shall be tested within 5 years of *(effective date of the rule)*, and every 5 years thereafter; **Mott-Smith Consulting Group**

Response – Support FCG's comments

e. Below-grade spill containment systems shall be tested within one year of *(effective date of the rule)*, and at intervals not exceeding every 3 years thereafter; and

f. Below-grade hydrant sumps shall be tested within one year of *(effective date of the rule)*, and every 3 years thereafter.

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level 4 inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket, and hydrant sumps which shall be tested by filling the pit with at least 4 inches of water above the highest penetration. The secondary containment system shall be deemed tight if the water level remains stationary for a 3 hour period. Owners or operators shall ensure that the volume available in the tank is greater than the volume of regulated substances to be transferred to the tank before the transfer is made and shall ensure that any transfer is repeatedly monitored to prevent overfilling and spilling.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. All release detection devices shall be tested annually to ensure proper operation. The test shall be conducted according to manufacturer's specifications, and shall include, at a minimum, a determination of whether the device operates as designed.

~~(b)4-~~ Water removal. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substances collected in secondary containment, spill containment systems, or in piping sumps, and dispenser sumps shall be removed within 72 hours of discovery, and be either reused or properly disposed.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

~~(c)5-~~ Exterior Coatings shall ~~may~~ be maintained to prevent corrosion in accordance with SSPC PA-1.

6. Regardless of the method of release detection used, inventory control shall be performed for ASTs containing vehicular fuel that do not have secondary containment.

~~(5)(2)~~ Stormwater management for secondary containment systems.

(a) The removal or release of stormwater from a facility should be performed in accordance with all applicable Department rules (for example, Chapter 62-25, F.A.C., Regulation of Stormwater Discharge). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

(b) No change.

1. No change.

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated substances.

(c) No change.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., which is designed to allow filtration of water and prevent discharges of contaminated water.

~~(6)(3) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems in contact with the soil associated with shop fabricated storage systems shall meet the requirements of subsection 62-762.702(7), F.A.C. API 653 inspections. Field-erected tanks shall be evaluated and the re-testing frequency established and implemented in accordance with API Standard 653. AST Category B and Category C tanks shall be evaluated at the time of installation. Initial examinations for AST Category A and Category B tanks shall be completed by December 31, 1999. Evaluations shall be certified by a professional engineer registered in the State of Florida, or approved by an API 653 inspector. Non-destructive testing shall be performed by qualified personnel as specified in API 653 and API 650. All field-erected tanks shall be repaired in accordance with API Standard 653.~~

~~(4) Testing for piping in contact with soil.~~

~~(a) Small diameter piping shall be tightness tested before being placed back into service whenever dispensers connected to that piping are replaced or whenever the piping has been disconnected and then reconnected.~~

~~(b) Hydrant piping and bulk product piping shall be pressure tested in accordance with paragraph 62-762.641(3)(e), F.A.C., before being placed back into service.~~

~~(5) Bulk product piping extending over surface water shall:~~

~~(a) Be tested annually in accordance with Title 33, Part 156.170, Code of Federal Regulation; and~~

~~(b) Be maintained and operated in accordance with Title 33, Part 154, as applicable.~~

~~(6) Secondary containment systems shall be repaired as necessary to maintain product tightness and containment volume of the system, including sealing cracks in concrete, repairing punctures, and maintaining containment walls. If the storage tank secondary treatment system has a crack, puncture, or other defect that compromises the system's product tightness, the system shall be repaired in accordance with paragraph 62-762.501(1)(e), F.A.C.~~

~~(7) Overfill protection shall be performed in accordance with API RP 2350 and NFPA 30, Section 2-10, for each field-erected AST that receives fuel by mainline pipeline or marine vessels.~~

~~*Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 6-21-04, Amended.*~~

62-762.702 Repairs, Operation and Maintenance of Field Erected Storage Tank Systems.

(1) Repairs.

(a) Repairs shall be performed if any component of a storage tank system has:

1. A release or discharge or has contributed to a release or discharge of a regulated substance; or

2. The presence of groundwater in the interstice of an underground double-walled pipe; or

3. An operational or structural problem that could potentially result in a release or discharge, or lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.

(b) The storage tank system shall immediately cease operating and accepting deliveries, if:

1. Repairs are required for any component of a storage tank system; and

2. The nature of the repair activities or the condition of the component cannot be otherwise isolated from the storage tank system. The restrictions against operating the storage tank system shall not apply if the storage tank system contains fuels used solely for the generation of electricity by an electric utility as defined in Chapter 366, F.S., where the removal of the storage tank system from use would result in the shutdown of electrical generating units serviced by the storage tank system.

(c) Repairs shall be made:

1. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure or corrosion for the remaining operational life of the storage tank system; and

2. In accordance with manufacturer's specifications and applicable reference requirements.

(d) Repaired components shall be integrity tested for liquid tightness before being placed back into operation.

(e) Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or repaired. Repairs of pipe sections, sump penetration fittings and pipe fittings shall be made in accordance with applicable requirements in subsections 62-762.502(3) and (4), F.A.C. Replacement of additional lengths of single-walled piping in contact with the soil are exempt from the requirements for secondary containment, provided that:

1. The piping system does not have, or will not have to install secondary containment until the deadlines established in Rule 62-762.502, F.A.C.; and

2. The length of replacement or additional piping is less than 25 percent of the total length of the existing integral piping for the individual tank, or 100 feet, whichever is more for each repair event.

(2) Cathodic and corrosion protection.

(a) Cathodic and corrosion protection systems shall be operated and maintained to provide continuous corrosion protection to the metal components of those portions of the storage tank and integral piping in contact with the soil or within interstitial spaces using vapor corrosion inhibitor technologies.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection, regardless of the date of installation of the storage tank system or storage tank system component, must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within 6 months of installation or repair and at least every year, or every 3 years for factory installed (galvanic) cathodic protection systems, thereafter in accordance with the criteria contained in SP0169-2013, and SP0285-2011. All cathodic protection systems shall either have permanent test stations for soil-to-structure potential measurements or use temporary field test stations for required testing in accordance with this subparagraph.

2. Storage tank systems equipped with impressed current systems shall be inspected at intervals not exceeding 60 days. All sources of impressed current shall be inspected. Evidence of proper functioning shall be current output, normal power consumption, a signal indicating normal operation, or satisfactory electrical state of the protected structure. Impressed current systems that are inoperative for a cumulative period exceeding 2,976 hours in one year shall be assessed within 30 days by a Corrosion Professional to ensure that the storage tank system is structurally sound, free of corrosion holes, and operating in accordance with the design criteria or taken out-of-service and assessed by a Corrosion Professional before being returned to service.

(c) Records of the continuous operation of impressed current systems and all cathodic protection inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(c), F.A.C.

(d) Storage tank systems with cathodic protection systems that have been determined by a Corrosion Professional that the cathodic protection system cannot achieve or maintain protection levels in accordance with the design criteria shall:

1. Be repaired within 90 days in accordance with paragraph 62-762.702(1)(c), F.A.C., or

2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(3) Vapor Corrosion Inhibitors Systems.

(a) Vapor Corrosion Inhibitor systems, if installed, shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed spaces for storage tank systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI protection must be inspected, tested, and evaluated by or under the direction of a Corrosion Professional within 6 months of installation or repair and at least every year thereafter.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(c), F.A.C.

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days of the determination, and be retested within 90 days from the date of replenishment; or

2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(4) Operation and maintenance.

(a) Integrity testing

1. The integrity of secondary containment systems and interstitial spaces shall be verified by performing an interstitial or containment integrity test in accordance with API Std 653, API 570, or PEI/RP1200-12, as applicable, regardless of the date of installation of the storage tank system. Secondary containment systems that use vacuum, pressure, or liquid level (hydrostatic) monitoring for release detection are exempt from this requirement. The interstitial or containment integrity tests shall be performed in accordance with the following schedule:

a. Double-walled storage tanks and below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;

b. Below-grade piping sumps by October 13, 2018, and every 3 years thereafter;

c. ~~B~~The interstice of below-grade double-walled integral piping ~~with a closed interstice~~ shall be tested within 5 years of *(effective date of the rule)*, and every 5 years thereafter; **Mott-Smith Consulting Group**

Response – Support FCG's comments

d. Below-grade spill containment systems shall be tested within one year of *(effective date of the rule)*, and at

intervals not exceeding every 3 years thereafter; and

e. Below-grade hydrant sumps shall be tested within one year of *(effective date of the rule)*, and every 3 years thereafter.

2. If using hydrostatic testing for the interstitial or containment integrity test, it shall be performed by filling the secondary containment system with water to a marked level 4 inches above the highest penetration of the side wall of the containment equipment, with the exception of spill containment systems which shall be filled to a level within 1.5 inches of the top of the bucket, and hydrant sumps which shall be tested by filling the pit with at least 4 inches of water above the highest penetration. The secondary containment system shall be deemed tight if the water level remains stationary for a 3 hour period.

3. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(b) Water removal.

1. Interstitial spaces and sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substances collected in secondary containment or in sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

(c) Exterior Coatings shall be maintained to prevent corrosion.

(5) Stormwater management for secondary containment systems.

(a) The removal of stormwater from a facility should be performed in accordance with all applicable Department rules. Owners and operators are advised that other federal, state, or local requirements apply to these activities.

(b) Accumulated stormwater shall:

1. Be drawn off within one week after a rainfall event unless another frequency is allowed by the facility's stormwater discharge permit or by another instrument, such as a Spill Prevention Control Countermeasure Plan or a Department permit; and

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated substances.

(c) If gravity drain pipes are used to remove water from the dike field areas, all valves shall be kept closed except when the operator is in the process of draining water.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., that is designed to allow filtration of water and prevent discharges of contaminated water.

(6) Evaluation and testing. Tanks shall be evaluated and the re-testing frequency established and implemented in accordance with API Std 653. Storage tanks shall be evaluated at the time of installation. Evaluations shall be certified by a professional engineer licensed in the State of Florida, or approved by an API Std 653 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API Std 650, and API Std 653. All field erected tanks shall be repaired in accordance with API Std 653. Field erected tanks with storage capacities of less than 250,000 gallons may be evaluated in accordance with STI SP001, in lieu of API Std 653.

(7) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems. Single-walled metallic bulk product and hydrant piping systems in contact with the soil, excluding those containing high viscosity products, shall be evaluated and the re-testing frequency established and implemented in accordance with API 570. Evaluations shall be certified by a professional engineer licensed in the State of Florida or by an API 570 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API 570. All single-walled metallic bulk product and hydrant piping systems in contact with the soil shall be repaired in accordance with API Standard 570.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History--New _____.

62-762.711 Recordkeeping.

(1) All records, whether in paper or electronic format, shall be dated, maintained in permanent form, and available for inspection by the Department or County. If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon ~~five business working days~~ five business days of receipt of the Department's or County's request notice. Site access to the facility shall be provided for compliance inspections conducted at reasonable times.

(2) Records of the following generated on or after *(effective date of the rule)*, are required to be kept for ~~three~~ two years. Records of the following generated before *(effective date of the rule)*, are required to be kept for 2 years:

(a) ~~Measurements and reconciliations of inventory, as applicable;~~
 (b) ~~Repair, operation, and maintenance records;~~
 (b)(c) ~~All r~~Release detection results, including electronic test results, regardless of the frequency, and
 monthly visual inspections performed in accordance with paragraphs 62-762.601(1)(e) and 62-762.602(1)(e) 62-
 762.641(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each
 sampling event;
 (c)(d) ~~All test data and results gathered during annual operability tests and integrity tests; and~~Release
 detection response level descriptions;
 (d)(e) ~~Records of the types of fuels stored per tank. A copy of all test data and results gathered during~~
 tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule
 62-762.851, F.A.C.;
 (f) ~~Certification of Financial Responsibility on Form 62-761.900(3);~~
 (g) ~~Records of types of fuels stored per tank; and~~
 (h) ~~The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings~~
 for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated
 substances.
 (3) ~~Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage~~
 tank system closure:
 (a) ~~Manufacturer's instructions for operation, maintenance, and testing for release detection equipment~~Results
 of internal inspections and non-destructive testing;
 (b) ~~Any performance claims for release detection equipment described in writing by the equipment manufacturer~~
 or installer;
 (c) ~~Records of storage tank system installations, replacements, recertifications, and upgrades;~~
 (c)(d) ~~Records of installation, maintenance, inspections, and testing of corrosion cathodic protection systems~~
 in accordance with NACE, a Corrosion Professional or STI standards;
 (d)(e) ~~Survey drawings as specified in paragraphs 62-762.501(1)(i) and 62-762.502(1)(i), F.A.C. Site~~
 suitability determinations in accordance with subsection 62-762.641(2), F.A.C.
 (e)(f) ~~A copy of all INFs, and the results of all incident investigations as specified in Rule 62-762.431,~~
 F.A.C.; Vapor monitoring plans and all records kept pursuant to the plan; and
 (f)(g) ~~A copy of all DRFs; Closure assessment reports if the location continues as a facility.~~
 (g) ~~A copy of all documents required in Rules 62-762.801 and 62-762.802, F.A.C., if the location continues as~~
 a facility;
 (h) ~~Results of internal inspections and non-destructive testing;~~
 (i) ~~Records documenting compliance with subparagraphs 62-762.501(1)(b)3. and 62-762.502(1)(b)3., F.A.C.,~~
 for storage tanks systems with secondary containment constructed of concrete installed after *(effective date of the*
rule); and
 (j) ~~Records to demonstrate insurance as the method of financial responsibility for storage tank systems shall be~~
 maintained in permanent form if no contamination has been reported or if no Site Rehabilitation Completion Order
 (SRCO) has been issued pursuant to Chapter 62-780, F.A.C. Records demonstrating financial responsibility for
 storage tank systems through other permitted methods shall be maintained for the duration of the effective period of
 that financial responsibility method.
 (4) ~~The Department strongly encourages that all records relating to financial responsibility be maintained~~
 permanently.
Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History--New 6-21-04,
Amended.

62-762.801 Out-of-Service and Closure Requirements for Shop Fabricated Storage Tank Systems.
 (1) ~~Temporary out of service. Field erected storage tank systems taken temporarily out of service shall:~~
 (a) ~~Continue to operate and maintain corrosion protection in accordance with paragraph 62-762.701(1)(b),~~
 F.A.C.;
 (b) ~~If the tank system has an external release detection method, perform release detection monthly in~~
 accordance with applicable provisions of Rules 62-762.601-.641, F.A.C.; and
 (c) ~~Leave venting systems open and functioning.~~
 (1)(2) Out-of-service storage tank systems.
 (a) ~~General.~~

(a)1- Storage tank systems that are taken out-of-service, as required in this subsection defined in subsection 62-762.201(53), F.A.C., shall continue to be maintained in accordance with this Rule.

(b) Facility owners and operators of out-of-service storage tank systems shall:

1a. Continue to operate and maintain corrosion protection in accordance with subsection 62-762.701(2) paragraph 62-762.701(1)(b), F.A.C.;

b. ~~Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-762.641(2), F.A.C.;~~

2e. Leave vent lines open and functioning;

3d. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of the regulated substances remains in the storage tank.~~Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and~~

4e. Secure or close off the system to outside access.

2. ~~If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.~~

(c)3. Release detection device annual operability testing, containment and integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems that have been out-of-service for more than 365 days must be evaluated in accordance with the following prior to being returned to service:~~Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out-of-service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-762.801(3), F.A.C.~~

1. STI SP001, regardless of the date of installation of the storage tank system; and

2. Integrity tested in accordance with Rule 62-762.701, F.A.C., for integral piping in contact with the soil.

(d)4- Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of 10 continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.801(2)(b), F.A.C.~~Tightness, pressure, or other tests shall be performed in accordance with subsection 62-762.641(3), F.A.C., as applicable, on any systems being returned to service.~~

(e)(b) Storage tank sSystems without secondary containment shall not remain in a continuous out-of-service status for more than 5five years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.801(2)(b), F.A.C.~~Before the expiration of this five year time period, any remaining product and sludges shall be removed, and a closure assessment shall be performed in accordance with subsection 62-762.801(4), F.A.C. for:~~

1. ~~AST Category A and Category B systems, regardless of when taken out of service, by December 31, 1999;~~

or

2. ~~Systems taken out of service after July 13, 1998.~~

(c) ~~Out of service tanks that are returned to service shall be:~~

1. ~~Inspected and evaluated in accordance with subparagraph 62-762.501(3)(b)1., F.A.C., for shop fabricated tanks; or~~

2. ~~Structurally evaluated in accordance with API Standard 653 for field erected tanks, unless the system has been out of service for less than six months.~~

(d) ~~Field erected tanks changing the type of product stored within the tank shall comply with API Standard 653, Section 2.2.4.~~

(2)(3) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection:~~General.~~

1. A storage tank system that is out-of-service, and has not had regulated substances added to or withdrawn from the system for more than:~~Closure of storage tank systems shall be performed by:~~

a. Five years for single-walled storage tank systems; or~~Removing all liquids and accumulated sludges;~~

b. 10 years for storage tank systems with secondary containment.~~Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~

c. ~~Closing the storage tank system in accordance with paragraph 62-762.801(3)(b), F.A.C., as applicable; and~~

d. ~~Conducting a closure assessment in accordance with subsection 62-762.801(4), F.A.C.~~

2. A storage tank system that fails to meet or, if required, is not modified to meet the storage tank system requirements of Rule 62-762.501, F.A.C.~~After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for~~

example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

3. A storage tank system that requires repair pursuant to Rule 62-762.701, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed. Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-762.601(1)(k), F.A.C.

(b) Closure of storage tank systems shall be performed by: ~~Unmaintained systems shall be permanently closed within 90 days of discovery.~~

1. Conducting a Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(8), F.A.C., and completing the Closure Integrity Evaluation Report Form for ASTs 62-762.901(7) (Closure Integrity Report). The form shall be submitted in paper or electronic format to the appropriate County;

2. Removing all liquids and accumulated sludges. The removal and disposal of all liquids and accumulated sludges may be required according to other federal, state, and local requirements.

3. Removing or disconnecting and capping all integral piping;

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with Chapter 22 of NFPA 30. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks and single-walled integral piping in contact with the soil, regardless of the date of installation of the storage tank system or storage tank system component, an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, 2015 Edition, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, hereby adopted and incorporated by reference, and available at the address given in paragraph 62-762.211(2)(e), F.A.C.; and

6. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes.

7. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed.

(c) The tank shall be rendered free of pollutant vapors at the time of closure to prevent hazardous explosive conditions, and maintained to prevent future explosive conditions.

(d) The tank shall be protected from flotation in accordance with NFPA 30, Section 2-6.

(3)(4) Closure Integrity Report, Closure Report, and Limited Closure Report ~~Closure assessment of storage tank systems.~~

(a) Closure Integrity Report. ~~At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.~~

1. A Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(8), F.A.C., must be performed no more than 45 days prior to closure or replacement for all double-walled storage tanks, double-walled integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil. A Closure Integrity Report must be completed to document the findings of the Closure Integrity Evaluation. ~~If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.~~

2. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled storage tanks, double-walled integral piping, double-walled piping sumps, double-walled dispenser sumps, and double-walled spill containment systems that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations. ~~Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.~~

3. A Closure Integrity Evaluation for single-walled piping sumps, single-walled dispenser sumps, and single-walled spill containment systems that are completely below-grade requires a hydrostatic test or another test approved by the manufacturer.

4. Storage tank systems and system components not in contact with the soil do not require a closure integrity evaluation. **Mott-Smith Consulting Group Response - Support**

5. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

6. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule 62-762.431, F.A.C. If sampling is necessary to determine whether a discharge has occurred, then an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, regardless of the date of installation of the storage tank system or system component being closed.

7. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.801(3)(a)1., F.A.C., before the storage tank system or system component has been removed or closed in-place, regardless of the date of installation of the storage tank system or system component, shall conduct an investigation at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement. The Closure Report shall be prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP's "Storage Tank System Closure Assessment Requirements";

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure;

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-762.641(3)(a), F.A.C.;

4. Double-walled shop-fabricated aboveground tanks; and

5. Aboveground systems with storage capacities less than 1,100 gallons that are upgrading with secondary containment, and that are elevated from and not in contact with the soil. Instead of performing a closure assessment, a visual inspection may be performed of the system and the ground surface underneath it for signs of a discharge. Written certification shall be provided to the County within 10 days after installation of the secondary containment, documenting that there has been no discharge.

(c) Limited Closure Report. Form 62-762.901(8), Limited Closure Report Form for ASTs, shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances: Closure assessment sampling and analysis shall be conducted according to DEP's "Storage Tank System Closure Assessment Requirements."

1. Where a Closure Integrity Evaluation passed;

2. Where a failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur; or

3. Where a Closure Integrity Evaluation or Closure Report were not required because the closure only involved a storage tank system or system components that were not in contact with the soil.

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-762.801(4)(a), F.A.C. The report shall include sample types, sample locations and measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP's "Storage Tank System Closure Assessment Requirements."

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History-New 6-21-04, Amended _____.

62-762.802 Out-of-Service and Closure Requirements for Field Erected Storage Tank Systems.

(1) Temporary out-of-service. Field erected storage tank systems taken temporarily out-of-service are those that are emptied solely for the purpose of cleaning, routine maintenance, or change of product for a time period exceeding 90 days, but less than 365 days. These storage tank systems shall:

(a) Continue to operate and maintain corrosion protection in accordance with subsection 62-762.702(2), F.A.C.;

(b) Perform release detection monthly in accordance with applicable provisions of Rule 62-762.602, F.A.C., if the tank system has an external release detection method;

(c) Leave venting systems open and functioning; and

(d) Be returned to in-service status or be designated as out-of-service within 365 days of being taken temporarily out-of-service.

(2) Out-of-service storage tank systems.

(a) Storage tank systems that are taken out-of-service, as required in this subsection, shall continue to be maintained in accordance with this Chapter unless otherwise noted herein.

(b) Facility owners and operators of out-of-service storage tank systems shall:

1. Continue to operate and maintain corrosion protection in accordance with subsection 62-762.702(2), F.A.C.;

2. Leave vent lines open and functioning;

3. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of the regulated substances remains in the storage tank; and

4. Secure or close off the system to outside access.

(c) Facility owners and operators of out-of-service storage tank systems shall monitor tank bottom release detection systems or devices annually but not to exceed 12 months. Records of these inspections shall be maintained in accordance with subsection 62-762.711(2), F.A.C. In the event that there is any positive response of a tank bottom release detection device, an INF must be submitted in writing or electronic format and an investigation as to the cause performed pursuant to Rule 62-762.431, F.A.C.

(d) Release detection device annual operability testing, containment and interstitial integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, before being returned to service, storage tank systems that have been out-of-service for more than 365 days must be:

1. Structurally evaluated in accordance with API Std 653 for field erected tanks; and

2. Integrity tested in accordance with Rule 62-762.702, F.A.C., for integral piping.

(e) Storage tank systems with secondary containment shall only be designated as out-of-service for a maximum of 10 continuous years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.802(3)(b), F.A.C.

(f) Storage tank systems without secondary containment shall not remain in a continuous out-of-service status for more than 5 years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.802(3)(b), F.A.C.

(g) Field erected tanks changing the type of product stored within the tank shall comply with API Std 653.

(3) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection:

1. A storage tank system that is out-of-service, and has not had regulated substances added to or withdrawn from the system for more than:

a. Five years after (effective date of the rule), for single-walled storage tank systems; or

b. 10 years after (effective date of the rule), for storage tank systems with secondary containment.

2. A storage tank system that fails to meet or, if required, is not modified to meet the Storage Tank System requirements of Rule 62-762.502, F.A.C.

3. A storage tank system that requires repair pursuant to Rule 62-762.702, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed.

(b) Closure of storage tank systems shall be performed by:

1. Conducting a Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(9), F.A.C., and completing the Closure Integrity Evaluation Report Form for ASTs 62-762.901(7) (Closure Integrity Report). The form shall be submitted in paper or electronic format to the appropriate County;

2. Removing all liquids and accumulated sludges. The removal and disposal of all liquids and accumulated sludges may be required according to other federal, state, or local requirements;

3. Removing or disconnecting and capping all integral piping;

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with Chapter 22 of NFPA 30. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks, and single-walled integral piping in contact with the soil, regardless of the date of installation of the storage tank system or storage tank system component, an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*;

6. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes; and

7. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed to determine if any discharges have occurred.

(4) Closure Integrity Report, Closure Report, and Limited Closure Report.

(a) Closure Integrity Report.

1. A Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(9), F.A.C., must be performed no more than 45 days prior to closure or replacement for all double-walled and double-bottomed storage tanks, double-walled integral piping, and hydrant sumps in contact with soil. Spill containment systems that are completely below-grade also require a Closure Integrity Evaluation. A Closure Integrity Report must be completed to document the findings of the Closure Integrity Evaluation.

2. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled and double-bottomed storage tanks, double-walled integral piping, and double-walled hydrant sumps that are in contact with the soil to determine if there are any products or pollutants or any water other than condensate present within the interstice. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations.

3. A Closure Integrity Evaluation for single-walled hydrant sumps that are in contact with the soil, and single-walled spill containment systems that are completely below-grade require a hydrostatic test or another test approved by the manufacturer.

4. Storage tank system and system components not in contact with soil do not require a Closure Integrity Evaluation.

5. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

6. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule 62-762.431, F.A.C. If sampling is necessary to determine whether a discharge has occurred, then an investigation shall be conducted during closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, regardless of the date of installation of the storage tank system or system component being closed.

7. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.802(4)(a)1., F.A.C., before the storage tank system or system component has been removed or closed in-place, regardless of the date of installation of the storage tank system or system component, shall conduct an investigation at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement. The Closure Report shall be prepared in accordance with *Instructions for Conducting a Site Check During Aboveground Storage Tank Closure*.

(c) Limited Closure Report. Form 62-762.901(8), Limited Closure Report Form for ASTs, shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances:

1. Where a Closure Integrity Evaluation passed;

2. Where a failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur; or

3. Where a Closure Integrity Evaluation or Closure Report were not required because the closure only involved a storage tank system or system components that were not in contact with the soil.
Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New

62-762.821 Incident and Discharge Response.
Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History–New 6-21-04, Repealed

62-762.851 Alternative Procedures Requirements and Equipment Registration Approvals.

(1) Alternative Procedure requirements.

(a) Any person subject to the provisions of this Chapter may request in writing a determination by the Secretary or the Secretary's designee that any requirement of this Chapter shall not apply to a regulated storage tank system at a facility, and shall request approval of alternative alternate procedures or requirements on Form 62-762.901(4), Alternative Requirement or Procedure Form, effective date, (effective date of the rule), hereby adopted and incorporated by reference. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(b) No change.

1. No change.

2. The specific provisions of this Chapter 62-762, F.A.C., from which an exception is sought;

3. through 4. No change.

5. Documentation that demonstrates that the alternative procedure or requirement provides an equivalent or greater degree of protection for the lands, surface waters or groundwaters of the State as the specific provisions of this Chapter from which an alternative procedure is sought~~established requirement~~; and

6. No change.

7. If an alternative alternate procedure or requirement is not able to be sought under subparagraph 5. or 6., then documentation that demonstrates that the specific provisions of this Chapter from which the exception is sought imposes regulatory costs on the regulated entity that could be reduced through approval of a less costly regulatory alternative or requirement that provides a substantially equivalent degree of protection for the lands, surface waters, or groundwaters of the State as the established requirement.

(c) The Department shall issue an Order within 60 days of the receipt of a completed Alternative Requirement or Procedure Form either: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(1), F.A.C., are met.

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-762.851(1)(b), F.A.C.; or

2. Denying the request and stating the reason(s) the request does not make an adequate demonstration that the requirements of paragraph 62-762.851(1)(b), F.A.C., have been met.

(d) The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S. The Department's failure to timely issue an Order does not grant or approve the request.

(e) The provisions of this Rule do not preclude the use of any other applicable relief provisions.

(f) Facilities where an alternative procedure was previously approved by the Department may continue to operate using the conditions of the alternative procedure issued by the Department.

(2) Registration of storage tank system equipment and release detection systems and methods~~Equipment approvals.~~

(a) Owners and operators shall verify at the time of installation that the storage tank system equipment and release detection systems and methods (including equipment and methods that were previously approved by the Department under the former Equipment Approval process) have been registered with the Department. Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:

(b) Any storage tank system equipment installed after (effective date of the rule), must be registered with the Department in accordance with this section. Upon discovery, non-registered storage tank system equipment installed

after (effective date of the rule), must be removed within 90 days, unless registration is obtained and listed within the 90 day time period.

(c) Equipment previously approved by the Department under the former Equipment Approval process and installed prior to (effective date of the rule), can continue to be used regardless of later non-renewal or removal of registration from the list of registered storage tank system equipment, provided the equipment is still operating as designed and installed.

(d) Only the storage tank system equipment as stated in this Chapter shall be registered by the equipment manufacturer using Form 62-762.901(9), Storage Tank Equipment Registration Form, (Equipment Registration Form) effective date (effective date of the rule), hereby adopted and incorporated by reference. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. The following storage tank system equipment is exempt from registration:

1. No change,
2. ~~Monitoring well bailers;~~
3. Manhole and fillbox covers;
4. Valves;
5. Cathodic protection test stations;
6. Metallic bulk product piping;
7. Small diameter piping not in contact with soil, unless the piping extends over or into surface waters;
8. Vent lines; and
9. AST vents; and
10. Gauges used for vacuum and pressure monitoring.

(e)(b) Equipment registration approval requests shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will provide equivalent protection or meet the appropriate performance requirements standards contained in this Chapter. Any approvals or denials received from other states or countries shall be included in the registration approval request to the Department.

(f)(e) A third-party demonstration by a Nationally Recognized Testing Laboratory shall be submitted in writing or electronic format to the Department with the application. The third-party demonstration shall provide:

1. through 2. No change.
3. A professional certification or determination that the equipment meets the performance requirements standards contained in this Chapter; Rule 62-762.501, F.A.C.
4. Integrity test requirements and procedures; and
5. Annual operability testing procedures for the equipment or release detection system or method.

(g)(d) Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection prior to being used. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(2), F.A.C., are met.

(h)(e) The storage tank system equipment and release detection systems and methods registered with the Department under this subsection must be renewed by the equipment manufacturer every 5 years. Failure to renew will result in removal from the equipment registration list. Any changes, improvements, or modifications to equipment beyond the scope of the original demonstration by the Nationally Recognized Testing Laboratory will require a renewal of the registration and a new demonstration from a Nationally Recognized Testing Laboratory pursuant to paragraph 62-762.851(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) The Department shall only place conditions upon the use of the storage tank system equipment and release detection systems and methods, remove equipment or methods from the list of registered storage tank system equipment, or not renew registration if:

1. The information submitted to the Department is not in accordance with this subsection;
2. The equipment does not perform in field application as certified in the third-party certification by a Nationally Recognized Testing Laboratory; or
3. The equipment is not constructed in accordance with the approved registration or applicable Reference Guidelines.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History--New 6-21-04, Amended _____.

62-762.891 Mineral Acid Storage Tank Requirements.

The purpose of this Rule is to minimize the occurrence and environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid if at least 20 percent by weight of the solution is one of the 5 listed acids. Mineral acid storage tank systems are only subject to Rule 62-762.891, F.A.C.

(1) Definitions. All words and phrases defined in Section 376.321, F.S., shall have the same meaning when used in this Rule unless specifically stated otherwise in this Rule. See Section 376.321, F.S., for the definition of the following terms: "Aboveground," "Facility," "Flow-through process tank," "Mineral acids," "Nonresidential," "Operator," "Owner," and "Permitted wastewater treatment system." The following words, phrases, or terms used in this Rule, unless the context indicates otherwise, shall have the following meaning:

~~(a) "Aboveground" means that more than 90 percent of a tank volume is not buried below the ground surface. An aboveground tank may either be in contact with or elevated above the ground.~~

~~(a)(b)~~ "Containment and integrity plan" or "CIP" means a document designed, created, and maintained at a facility, which shall be considered a public record and made available pursuant to the provisions of Chapter 119, F.S. The CIP establishes procedures for the inspection and maintenance program for tanks storing mineral acids at that facility. The inspection and maintenance program shall be designed for the chemical and physical characteristics of the specific mineral acid stored, and for the specific materials of construction of the tank. The CIP shall be designed to ensure control of the specific mineral acid for the expected lifetime of the tank. Form 62-762.891(1) Containment and Integrity Plan Certification Form, effective date, *(effective date of the rule)*, is hereby adopted and incorporated by reference, and copies are available from the Division of Waste Management, Department of Environmental Protection, M.S. 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(b) "County" means a locally administered governmental program under contract with the Department to perform compliance verification activities at facilities with storage tank systems within the boundaries stipulated in the applicable contract.

(c) No change.

(d) "Discovery" means, as related to a discharge, initial detection of mineral acids in ground water or surface water, or the initial detection of soil contamination, resulting from the discharge of mineral acids in quantities greater than the amounts reportable in this Rule 62-762.891, F.A.C.

(e) "Existing storage tank" means a tank that was installed on or before January 7, 1992. ~~Installation is considered to have begun if:~~

1. ~~The owner or operator has obtained, or has applied for, all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank; and~~

2. ~~Either a continuous on-site physical construction or installation program has begun or the owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial economic loss.~~

(f) "Facility" means any non-residential location or part thereof containing an aboveground tank or tanks that contain specified mineral acids that have an individual storage capacity greater than 110 gallons.

(g) "Flow through process tank" means an aboveground tank that contains hazardous substances or specified mineral acids and that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include, but are not limited to, seal tanks, vapor recovery units, surge tanks, blend tanks, feed tanks, check and delay tanks, batch tanks, oil-water separators, or tanks in which mechanical, physical, or chemical change of a material is accomplished.

~~(f)(h)~~ "Inspection and maintenance plan" means a plan that establishes the procedures used to prevent releases of mineral acids.

~~(g)(i)~~ "Liner" means an artificially constructed material of sufficient thickness, density, and composition that will contain the discharge of any specified mineral acid from an aboveground tank until such time as the mineral acid can be neutralized and/or removed. The liner shall prevent any escape of specified mineral acids or accumulated liquid to the soil, surface water, or groundwater (except through secondary containment as provided in paragraph 62-762.891(1)(i)(p), F.A.C.).

(j) "Mineral acids" means hydrobromic acid (HBr), hydrochloric acid (HCl), hydrofluoric acid (HF), phosphoric acid (H₃PO₄), and sulfuric acid (H₂SO₄), including those five acids in solution, if at least 20% by weight of the solution is one of the five listed acids.

~~(h)(k)~~ "New tank" means a tank that was installed after January 7, 1992.

(l) "Non-residential" means that the tank is not used at a private dwelling.

(m) “Operator” means any person operating a facility, whether by lease, contract, or other form of agreement.

(n) “Owner” means any person owning an aboveground tank subject to Sections 376.320-326, F.S.

(o) “Permitted wastewater treatment system” means a facility to which the Department has issued a permit to treat wastewater and release the treated product into the environment.

(i)(p) “Secondary containment” means a system that is used for discharge release prevention, and may include one or more of the following devices:

1. A double-walled tank;
2. An external liner placed under and around each tank, sealed to its supports, and either designed and built to contain a minimum of 110 percent of the capacity of the largest tank within the containment; or equipped with a drainage system routed to a permitted wastewater treatment system or plant recirculating process system that is capable of containing any accidental release from the tank; or
3. A system or structure constructed such that accidental releases from a tank would be collected by a drainage system within the system or structure and routed to a permitted wastewater treatment system, or plant recirculating process system, or alternative containment system registered with approved by the Department in accordance with Rule 62-762.851, F.A.C.

(j)(q) “Stationary” means a tank or tanks not meant for multiple site use or that remain in one location at the facility site for a period of 180 days or longer.

(k)(r) “Tank” means an aboveground stationary device that is constructed primarily of non-earthen materials (e.g., concrete, metal, plastic, glass) that provides structural support and is designed primarily to contain mineral acids. Connected piping from the tank to and including the nearest cutoff valve shall be considered part of the tank for purposes of this definition. “Tank” does not include flow-through process tanks.

(s) “Upgrade” means the replacement of a tank or the installation of secondary containment.

- (2) No change.
- (a) The requirements of this Rule apply to owners and operators of a facility with an aboveground storage tank with a storage capacity of more than 110 gallons that contains mineral acids.
- (b) The following systems are exempt from the requirements of this Rule:
 1. through 3. No change.
 4. Any flow-through process tank; and
 5. Any tank that is located in a completely enclosed building where a release of mineral acid would be contained within the building and not result in a discharge; and
 6. Any tank containing mineral acids that are regulated as hazardous wastes under Subtitle C of the Resource Conservation and Recovery Act.
- (3) No change.
- (a) The owner of any tank containing mineral acids, that was not previously registered, shall register the tank within 10 days of its discovery with the Department on Form 62-762.901(2)62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, (effective date of the rule), hereby adopted and incorporated by reference. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department’s website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.
- (b) For tank installations, a completed Registration Form shall be submitted in electronic or paper format to the Department by July 1, 1992, or no later than 30 days after mineral acids are put into a new storage tank previously unregistered. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldepportal.com/go/submit-registration/>, or the form can be obtained at www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department’s website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.
- (c) For change in service status or closure pursuant to Rule 62-762.801, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department and filed with records maintained in accordance with Rule 62-762.891, F.A.C.
- (d) A completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days of the following changes or discovery:
 1. Any change in the owner or operator of a facility or of a tank; and
 2. Any change or correction in the information reported in the Registration Form.
- (4) No change.
- (a) through (b) No change.

1. through 2. No change.

(c) Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department or County and filed with records maintained in accordance with this section.

(5) No change.

(a) The ~~County Department~~ shall be notified of the certification or recertification of the CIP or the secondary containment system on Form 62-762.891(1), in writing or electronic format within 10 days of the completion of the form. The form shall be signed by a professional engineer licensed in the State of Florida, ~~following items on Form 62-761.900(2):~~

- ~~1. The date and method of closure, at least 30 days before closure of a tank;~~
- ~~2. Any change in ownership of a tank, no later than 30 days after ownership has been transferred. The notice of change of ownership shall be provided by the transferor. The notice shall include a copy of the bill of sale or a letter of acceptance by the new owner;~~
- ~~3. Upgrading of a tank, at least 10 days before upgrading occurs, except for emergency replacements of tanks or connected piping required by an actual or anticipated discharge. Notification of emergency replacement shall be provided within 10 days after the emergency replacement.~~
- ~~4. Any change in registration form information, including any change in the identity of the material being stored.~~

(b) Notification of incidents. Within 72 hours or close of the County's next business day, the County shall be notified in writing or electronic format of any release into a secondary containment system of a mineral acid in excess of 110 gallons, or the reportable quantity in effect on July 1, 1991, under the Comprehensive Environmental Response Compensation and Liability Act of 1980, whichever is greater. ~~The Department shall be notified of the certification of the CIP or the secondary containment system on Form 62-762.891(1) within 10 days of the completion of the form. The Containment and Integrity Plan Certification Form shall be signed by a professional engineer registered in the State of Florida.~~

~~(c) Within three working days of discovery, the Department shall be notified of any release into a secondary containment system of a mineral acid in excess of 110 gallons, or the reportable quantity in effect on July 1, 1991, under the Comprehensive Environmental Response Compensation and Liability Act of 1980, whichever is greater.~~

(c)(6) Notification Reporting of discharges. Within 24 hours of discovery, or before the close of the County's next business day, Form 62-762.901(1), ~~62-761.900(1)~~ shall be used to report any discharge in writing or electronic format to the County exceeding:

- ~~1.(a)~~ 100 pounds of hydrobromic or hydrofluoric acid;
 - ~~2.(b)~~ 1,000 pounds of sulfuric acid; or
 - ~~3.(c)~~ 5,000 pounds of hydrochloric or phosphoric acid.
- (6)(7) Performance requirements ~~standards~~ for mineral acid tanks.

(a) No change.

1. Existing tanks ~~mineral acid storage facilities that were in operation after January 1, 1992,~~ shall either be covered under ~~have either~~ a CIP or have secondary containment.

2. New tanks ~~or replacement mineral acid tanks installed after July 1, 1992,~~ shall have secondary containment.

(b) Secondary Containment.

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tank or tanks have secondary containment.

2. Secondary containment shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new tank is added to a facility or if there is a structural change to the containment. Secondary Containment does not need to be reviewed and updated for tanks where there has been no structural change to the containment.

3. Secondary containment shall be properly maintained. Any cracks, degradation, punctures, or other similar defects to the integrity of the secondary containment shall be repaired. If repairs cannot be made to ensure the tank's original integrity, the tank shall be emptied.

(c)(b) Containment and Integrity Plans. ~~The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed and updated at least every two years by a professional engineer registered in the State of Florida. The CIP shall be made available for inspection by the Department, and shall address:~~

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the

integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance.

2. A CIP shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new mineral acid tank is added to a facility or if there is a structural change to the containment. A CIP does not need to be reviewed and updated for tanks where there has been no structural change to the containment.

3. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed, updated, and recertified on Form 62-762.891(1) at least every 2 years by a professional engineer licensed in the State of Florida. The CIP shall be made available for inspection by the Department or County, and shall address:

a1. An inspection and maintenance program detailing: the qualifications of the person providing the inspection, the inspection and routine maintenance procedures, schedules used to evaluate and maintain the integrity of the tank, release detection procedures, and frequency of inspections and proper response to inspection findings.

a. The qualifications of the person providing the inspection;

b. The inspection and routine maintenance procedures;

c. Schedules used to evaluate and maintain the integrity of the tank, and secondary containment (if applicable);

d. Release detection procedures; and

e. Frequency of inspections and proper response to inspection findings.

b2. Materials of construction for each tank and compatibility of the mineral acid with the construction materials;

3. Secondary containment of tanks, if applicable;

c4. Location of surface water bodies near the tank and the potential for discharges to enter the surface water body or to move off-site;

d5. Discharge response procedures for containment and abatement;

e6. Cleanup procedures; and

7. For tanks without secondary containment, the CIP shall also address:

fa. Procedures and equipment for treating spill wastes;

gb. Procedures for disposing of spill wastes;

he. Containment and diversionary structures to prevent discharges from entering the nearby surface water bodies or moving off-site; and

jd. A demonstration of corrosion protection of the tank if the tanks is are in contact with the soil.

(c) Containment and Integrity Plan alternatives. In place of the CIP, a certification may be provided to the Department by a professional engineer registered in the State of Florida that:

1. No mineral acid tank at the facility is in direct contact with the ground; and

2. A secondary containment system has been placed under and around each tank, and sealed to its supports. Secondary containment shall be either:

a. Designed and built to contain in excess of 110% of the capacity of the largest tank within the containment; or

b. Equipped with a drainage system routed to a permitted wastewater treatment system that is capable of containing any accidental release from the tank.

(d) Secondary containment. Tanks installed after July 1, 1992, shall have secondary containment and meet the requirements of this section before the tank is placed into active service. Liners used for secondary containment that are installed after July 13, 1998 shall meet the requirements of subparagraphs 62-762.501(1)(e)1., 3., F.A.C.

(e) Certification. A professional engineer registered in the State of Florida shall certify that:

1. The tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance; or

2. The tank or tanks have secondary containment in accordance with this subsection.

(7)(8) Recordkeeping. Copies of The following records, as applicable whether in paper or electronic format, shall be dated maintained and made available for inspection by the Department or County, at reasonable times: If records are not kept at the facility, they shall be made available at the facility or another agreed upon location upon 5 business days of the Department's or County's request:

(a) The current CIP Containment and Integrity Plan along with an up-to-date Form 62-762.891(1); or

(b) The current certification of secondary containment on Form 62-762.891(1); and.

(c) A copy of all DRFs.

~~(8)(9)~~ Discharge response.

(a) When evidence of a discharge from a tank is discovered and reported in accordance with paragraph 62-762.891(5)(c) ~~subsection 62-762.891(6)~~, F.A.C., the owner or operator shall:

1. through 3. No change.

(b) Any owner or operator of a facility discharging mineral acids shall immediately undertake to contain, remove, neutralize, or otherwise abate the discharge under all applicable Department Rules, for example Chapter 62-780, F.A.C.

~~(9)(10)~~ Forms. Form 62-762.891(1) Containment and Integrity Plan Certification Form, (effective date of the rule), incorporated in paragraph 62-762.891(1)(a), F.A.C., is used by the Division of Waste Management for mineral acid tanks. This form is listed by form number, subject title, and effective date. Copies of the form are available by writing to the Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500, Tallahassee, Florida 32399-2400, or online at: www.flrules.org/Gateway/reference.asp?No=Ref-000###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. Copies of forms may be obtained by writing to the Administrator, Storage Tank Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The following forms shall be used for mineral acid tanks:

~~(a) Discharge Report Form 62-761.900(1), July 13, 1998.~~

~~(b) Storage Tank Facility Registration Form 62-761.900(2), July 13, 1998.~~

~~(c) Containment and Integrity Plan Certification Form 62-762.891(1), July 13, 1998.~~
Rulemaking Specific Authority 376.322(3), 403.087 FS. Law Implemented 376.320, 376.321, 376.322, 376.323, 376.324, 376.325, 403.087 FS. History—New 6-21-04, Amended _____.

62-762.901 Storage Tank Forms.

Storage Tank Forms are listed by form number, the subject title, and effective date. Copies of forms are available by writing to the Division of Waste Management, Florida Department of Environmental Protection, 2600 Blair Stone Road, M.S. 4500, Tallahassee, Florida 32399-2400, or available online at www.flrules.org/Gateway/reference.asp?No=Ref-00###, or on the Department website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. For electronic submittal of the Registration Form go to <http://www.fldepportal.com/go/submit-registration/>.

(1) Form 62-762.901(1) Discharge Report Form, (effective date of the rule), incorporated in subsection 62-762.411(5), F.A.C.

(2) Form 62-762.901(2) Storage Tank Facility Registration Form, (effective date of the rule), incorporated in paragraph 62-762.401(1)(b), F.A.C.

(3) Form 62-762.901(4) Alternative Requirement or Procedure Form, (effective date of the rule), incorporated in paragraph 62-762.851(1)(a), F.A.C.

(4) Form 62-762.901(6) Incident Notification Form, (effective date of the rule), incorporated in subsection 62-762.411(4), F.A.C.

(5) Form 62-762.901(7) Closure Integrity Evaluation Report Form for ASTs, (effective date of the rule), incorporated in paragraph 62-762.411(2)(c), F.A.C.

(6) Form 62-762.901(8) Limited Closure Report Form for ASTs, (effective date of the rule), incorporated in subsection 62-762.421(2), F.A.C.

(7) Form 62-762.901(9) Storage Tank Equipment Registration Form, (effective date of the rule), incorporated in paragraph 62-762.851(2)(d), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.320, 376.322, 376.323 FS. History—New _____.

Hopping Green & Sams

Attorneys and Counselors

April 11, 2016

By Electronic Mail

William E. Burns, Jr.
Environmental Administrator
Permitting and Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Chapter 62-762, F.A.C., (Aboveground Storage Tank (AST) Systems)
March 28, 2016, Rule Draft

Dear Bill:

On behalf of the Florida Electric Power Coordinating Group, Inc. Environmental Committee (FCG) and Florida Power & Light Company (FPL), I am submitting this letter for the purpose of providing written comments in regard to draft rule amendments to Chapter 62-762, Florida Administrative Code (F.A.C.). The FCG is a not-for-profit association of twenty-eight (28) investor-owned, municipally-owned, and cooperatively-owned electric utilities engaged in the business of providing the majority of electric power to the public in the State of Florida. FPL is the largest electric utility in Florida and one of the largest rate-regulated utilities in the United States. FPL generates power from 16 power plants and delivers it by way of 69,350 miles of power lines to approximately 4.5 million customers in about half the State of Florida. FCG member electric utilities and FPL own and operate storage tank systems and undertake activities which are subject to the provisions of Chapter 62-762, F.A.C.

The FCG and FPL's joint written comments are provided below and, where appropriate, reference page and line numbers in the Florida Department of Environmental Protection's (FDEP or Department) March 2016 draft that was distributed by FDEP, via its internet website, on or around March 15, 2016. The FCG and FPL hope that to the extent FDEP agrees to incorporate these comments, such comments are included in the final AST rule draft that the agency develops.

Rule Comments

1. Rule 62-762.201; page 2, line 2. Following the comments made at the March 28 rule workshop, the FCG and FPL suggest that the parenthetical phrase “(contamination shall mean the same as contaminant)” be deleted. The term “contamination” is defined in Chapter 62-780, F.A.C., and is not defined in a similar fashion to the statutory term “contaminant.” Eliminating this language will avoid unnecessary confusion.
2. Rule 62-762.201(10); page 2, line 48. The FCG and FPL recommend that the word “Form” be inserted after the word “ASTs.” Based on other references to forms in the rule chapter, this appears to be the proper convention in references to FDEP forms.
3. Rule 62-762.201(28); page 4, line 30. The FCG and FPL suggest that the word “a” be inserted before the word “nonaqueous” in the definition of “free product.” Grammatical suggestion.
4. Rule 62-762.201(48); page 7, line 13. The FCG and FPL continue to maintain that the defined term “new” should be deleted. As provided in prior FCG/FPL comments, use of this term is confusing. The draft grandfathering language to be included in the rule chapter and other provisions in the March 2016 rule draft make the use of this term unnecessary. **NO**
5. Rule 62-762.211(3); page 12, line 43. The FCG and FPL propose that the grandfathering language included in the Reference Guidelines section be further clarified by inserting the word “applicable” before the phrase “Reference Standards.” This suggested change clarifies agency intent.
6. Rule 62-762.301(1)(a); page 12, line 54. Consistent with the immediately preceding comment, the word “applicable” should be inserted before the phrase “Reference Standards” to clarify agency intent.
7. Rule 62-762.431(1)(a)1.; page 17, line 45. In support of a comment made at the recent rule workshop, the FCG and FPL recommend that the word “or” be deleted between the terms “pitting” and “corrosion.” Conforming changes should also be made elsewhere in the rule chapter where similar rule language appears.
8. Rule 62-762.501(1)(b)4.; page 20, lines 26-27. The FCG and FPL recommend that the phrase “having permeability less than or equal to 1×10^{-7} cm/sec” be deleted as that

standard is already included in the definition of “impervious” found at Rule 62-762.201(25). A similar change should be made to Rule 62-762.502(1)(b)4., on page 26, lines 18-19.

9. Rule 62-762.501(1)(b)9.: page 20, lines 41-42. The FCG and FPL suggest that the phrase “storage tanks with closed interstice” be modified to read “storage tank with a closed interstice.” Conforming changes should also be made to Rule 62-762.502(1)(b)9. on page 26, lines 32-33, as applicable.
10. Rule 62-762.701(4)(a)1.: pages 36, line 52 through page 37, line 11. Under FDEP’s current rules and guidance, integrity testing of integral piping in contact with soil having an open interstice is not required. Consistent with this current rule requirement, the FCG and FPL suggest that the integrity testing provisions be modified by inserting the word “closed” before the word “interstitial” on line 52 and by modifying subparagraph 1.d., beginning on page 37, line 10 to read: “Below-grade double-walled integral piping having a closed interstice shall be tested within 5 years of [effective date of the rule], and every 5 years thereafter,” Similar modifications should be made to Rule 62-762.702(4)(a)1., on page 39, lines 35-45.

Comments on Forms/Instructions

The FCG and FPL have reviewed the Department’s draft forms associated with the rule chapter and are providing their comments and suggested revisions to certain of those forms in “track changes” format. Those forms are enclosed in Attachment “A.” In addition, FCG and FPL have the following comments on the draft forms.

1. Discharge Report Form for ASTs

-The FCG and FPL believe that there is unnecessary redundancy in having a Discharge Report Form for both rules. Currently, and for many years now, one Discharge Report Form has been used for both the UST and AST rules, as well as Chapter 62-780, F.A.C.

- The draft AST (as well as UST) Discharge Report Form no longer includes a facility contact person and phone number. Based on past experience, it would be helpful to have the facility contact identified if FDEP or a County visits a facility. The actual facility owner is not always available.
- The FCG and FPL want to know why FDEP removed the query for latitude and longitude of the discharge. This information may be useful if a discharge were to occur from a source other than a storage tank system or industrial facility (e.g., tanker truck spill on highway).
- Under the "Type of regulated substance discharge" section, there is one box that references Hazardous Substances (UST). FDEP should remove the parenthetical reference to UST.
- In that same section of the form, a separate check box should be created for chlorine compounds. Also, the FCG and FPL do not understand the new check box created for "new motor/lube oil." There does not appear to be a rule definition for these regulated substances. These same comments also apply to the draft Incident Notification Form.
- Under the "Agencies notified" section, FDEP should provide a blank to identify the specific Fire Department.

2. Storage Tank Registration Form

- Like the Discharge Report Form, FCG and FPL suggest that one Storage Tank Registration Form for both ASTs and USTs is sufficient.
- The draft form removes contact information currently requested for the Responsible Person (including associated phone number). That information is typically used by FDEP or a County to schedule annual inspections, etc. Thus, it may be beneficial to retain provisions for requesting Responsible Person information.
- The AST Storage Tank Registration Form still has carryover language at the bottom that calls for the name of the Certified Contractor (if performing UST installation or removal) and the DBPR License number. This information may not be pertinent for ASTs, if FDEP decides to use separate forms for ASTs and USTs.
- In both the Discharge Report Form and the Incident Notification Form, there is a box for biofuel blends under the type of regulated substance. The FCG and FPL suggest that the draft registration form have a specific code reference for biofuel blends.

3. AST Flow Chart-Closure Integrity Evaluation/Site Check Process

- The FCG and FPL recommend including a decision box at the top that shows that subsequent decision boxes would only be required for ASTs and system components in contact with soil.

4. Financial Responsibility Forms

-As provided in their comments during the rule workshop, the FCG and FPL are concerned with certain aspects of the forms relating to self-insurance. First, the forms do not track the language required in 40 C.F.R. Part 280, Subpart H. This is particularly important for UST owners/operators as the federal financial responsibility requirements mandate that the CFO letter and similar documents be identical to what is provided for in the federal regulations. Second, the draft CFO letter form requires notarization which is not required under the federal rules. Third, the CFO form requires additional information not provided for in the federal regulations (e.g., CFO phone number and email address). The FCG and FPL question why this specific information is necessary from a CFO's office. If FDEP wants a contact to be identified for purposes of financial responsibility issues, it is suggested that the form be revised to allow another appropriate individual employed by the owner/operator to be named. Lastly, the FCG and FPL want to understand why current FDEP Form 62-761.900(3) entitled "Certification of Financial Responsibility" is proposed to no longer be used. The FCG and FPL suggest the agency would want to maintain this form as part of its efforts to ensure compliance with AST and UST financial responsibility requirements.

5. Instructions for Conducting a Site Check during Aboveground Storage Tank Closure

- The FCG and FPL recommend including language on the cover page of the document reflecting that its use is only required for ASTs and related system components in contact with soil.

- On page 2, item A.2.c. still references DEP Form 62-761.900(2). That reference should be modified to reflect the AST form number, if two separate forms for ASTs and USTs will be used.

- On page 4, item B.1.a.(3) provides that if soil removal is greater than 20 ft. in depth and/or in a 20 ft. radius laterally from the edge of the excavation, an Interim Source Removal Report would need to be submitted in accordance with Rule 62-780.500 F.A.C., and signed and sealed by a P.E. or P.G. The FCG and FPL maintain that the 20 ft. lateral radius is arbitrary. It is common for preferential migration pathways to occur along pipe runs, etc. The FCG and FPL recommend increasing the lateral distance to 50 ft.

- On page 5, Section C entitled "Sampling Requirements for Storage Tank Removals", it appears that FDEP is requiring that an alternate procedure request be submitted for "a very large sampling area." The FCG and FPL maintain that this is overly vague and a specific definition should be provided or, in the alternative, that this provision be deleted.

- In Appendix A, the last paragraph references a Closure Assessment Report that is to be submitted 60 days upon receipt of analytical data. In some instances, there may not be analytical data generated. As a result, the FCG and FPL recommend that this provision be modified to provide that such report be submitted within 60 days of completion of "data collection."

6. Other Form Instructions

-The FCG and FPL would also like to receive for their review the Department's instructions for the various forms once those are completed.

The FCG and FPL very much appreciate the consideration that FDEP gives their comments and comments of the regulated community. After you have reviewed these comments, should you have any questions, please do not hesitate to contact me at (850) 425-2254.

Sincerely,

Hopping Green & Sams

By:


Michael P. Petrovich

Attorneys for the Florida Electric Power
Coordinating Group, Inc. Environmental Committee

and

Florida Power & Light Company

cc: Betsy Hewitt, Esq., FDEP
FCG Solid Waste Subcommittee
Mark Jones, Florida Power & Light Company
Eric Hamilton, Florida Petroleum Council
Marshall Mott-Smith, Mott-Smith Consulting Group

Attachment

“A”



Department of Environmental Protection

2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Storage Tank Facility Registration Form

DEP Form: 62-761.900(2)
Form Title: Storage Tank Registration Form
Effective Date: (effective date of rule)
Incorporated in Rules 62-761.400, F.A.C.

Review Registration Instructions Before Completing this Form

Submit this completed form for the facility when registration of storage tanks or compression vessels is required by Chapter 376.303, Florida Statutes

Please check all that apply	☐ New Registration	☐ New Owner	☐ New Tanks
	☐ Existing Facility Info Update/Correction	☐ Existing Owner Info Update/Correction	☐ Existing Tank Info Update/Correction

A. FACILITY INFORMATION

County:	DEP Facility ID:
---------	------------------

Facility Name:	
Facility Address:	City: Zip:
Facility Contact:	Business Phone:
Facility Type(s):	Financial Responsibility <u>Method</u>

24 Hour Emergency Contact:	Emergency Phone:
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B. TANK OWNER INFORMATION: Identify Individual(s) or Business(es) responsible for payment of Registration Fees at the facility location named above

Company/Individual Name:	Ownership Effective Date:
Mail address:	STCM Account Number (if known):
City, ST, Zip:	
Contact Person:	
Telephone:	
Email Address:	

C. PROPERTY OWNER INFORMATION: Identify Individual(s) or entity that is vested with ownership, dominion or legal or rightful title to the real property

Company/Individual Name:	Ownership Effective Date:
Mail address:	STCM Account Number (if known):
City, ST, Zip:	
Contact Person:	
Telephone:	
Email Address:	

D. TANK/VESSEL INFORMATION: Complete one row for each storage tank or compression vessel system located at this facility (see Registration Instructions for codes)

Tank ID	T or V	A or U	Capacity	Installed	Content	Status	Effective Date	Construction	Piping	Monitoring

Certified Contractor (if performing UST installation or removal): _____ DBPR License No.: _____

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Comment [A1]: Specific codes should be established for this type of FR used.

Registration Certification: To the best of my knowledge and belief, all information submitted on this form is true, accurate, and complete.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Submit this form to tankregistration@dep.state.fl.us



Department of Environmental Protection

2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Incident Notification Form

DEP Form 62-762.901(6)

Form Title: Incident Notification Form

Effective Date: (effective date of rule)

Incorporated in Rule 62-762.411, F.A.C.

Complete all applicable blanks

Facility ID Number (if registered):	Date of Form Completion:
Facility Name:	Date of Discovery of Incident:
Telephone number:	County:
Facility Owner or Operator:	
Mailing Address:	
Location of Incident (facility street address):	

Monitoring method or activity that indicates an incident: (Check all that apply)

☐ Visual observation	☐ Electronic sensors, probes, or cables	☐ Closure
☐ Primary integrity test	☐ Interstitial monitoring	☐ Line leak detectors
☐ Interstitial integrity test	☐ Closure integrity evaluation	☐ Automatic tank gauging
☐ Containment integrity test	☐ Tracer or Helium testing	☐ Other: (specify)

Type of regulated substance stored in the storage system: (Check all that apply)

☐ Gasoline	☐ Jet fuel	☐ Mineral acid (ASTs)
☐ Diesel	☐ Used/waste oil	☐ Ammonia or chlorine compound
☐ Heating oil	☐ New motor/lube oil	☐ Biofuel blends
☐ Kerosene	☐ Pesticide	☐ Unknown
☐ Aviation gas	☐ Grades 5 & 6 Residual Oils	☐ Other: (specify)
Hazardous substance (USTs) - write name or Chemical Abstract Service (CAS) #:		

Comment [A1]: Create a separate check box for chlorine compound.

Comment [A2]: Do not see these terms defined

Incident involves or originated from (Check all that apply)

A positive response of a release detection device:	A failed integrity test:	Or:
☐ 1. Visual observation	☐ 1. Double-walled tank	☐ Odors in the vicinity
☐ 2. Alarm	☐ 2. Double-walled piping	☐ Loss > 100 gallons on impervious surface
☐ 3. Vacuum or pressure change	☐ 3. Containment Sump	☐ Loss > 500 gallons in AST dike field
☐ 4. MUD restricting flow	☐ 4. Spill containment system	☐ Unusual operating conditions
☐ 5. FLD/other device shutting off power to pump	☐ 5. Double bottom AST	☐ Other: (specify)
☐ 6. Liquid > 1 inch in out-of-service tank (UST only)		

Cause of the incident, if known: (Check all that apply)

☐ Improper installation	☐ Spill/Overfill > 100 gallons on impervious surface	☐ Human error
☐ Material failure (crack, split, etc.)	☐ Spill/Overfill > 500 gallons in AST dike field	☐ Vandalism or theft
☐ Material incompatibility	☐ Corrosion	☐ Unknown
☐ Faulty probe or sensor	☐ Weather	☐ Other: (specify)

Actions taken in response to the incident:

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Comments:

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Agencies notified (as applicable):

☐ Fire Department	☐ County Program	☐ DEP District Office	☐ State Watch Office 800-320-0519	☐ National Response Center 800-424-8802
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To the best of my knowledge and belief all information submitted on this form is true, accurate, and complete.

Printed Name of Owner, Operator or Authorized Representative

Signature of Owner, Operator or Authorized Representative



Department of Environmental Protection

2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Discharge Report Form

DEP Form: 62-762.901(1)
Form Title: Discharge Report Form
Effective Date: (effective date of rule)
Incorporated in Rule: 62-762.411, F.A.C.

Complete all applicable blanks and submit with copies of any analytical test results confirming contamination to soil, surface water, or groundwater to the County via email or mail.

Facility ID Number (if registered):	Date of Form Completion:	Date of Discovery:
Facility Name:	County:	
Facility (Property) Owner:	Telephone Number:	
Owner Mailing Address:		
Location of Discharge (facility street address):		
Date of receipt of any test or analytical results confirming a discharge:	Estimated number of gallons discharged:	
If the discharge did not occur at a facility, name of the person responsible for the discharge:		

Discharge affected: (Check all that apply)

☐ Soil	☐ Groundwater	☐ Surface water (water body name)
☐ Drinking water well(s)	☐ Shoreline	☐ Other: (specify)

Evidence of Discharge: (Check all that apply)

☐ Visual observation of sheen	☐ Results or receipt of results of analytical tests	☐ Stained soils
☐ Visual observation of free product	☐ Spill or vehicle overflow > 25 gallons to a pervious surface	☐ Other (explain in comments)

Method of discovery and confirmation of discharge (Check all that apply, see rule language explanation on page two of this form)

☐ Visual observation	☐ Closure/Closure Assessment	☐ Surface water analytical results
☐ Groundwater analytical results	☐ Soil analytical results	☐ Other: (specify)

Type of regulated substance discharged: (Check all that apply)

☐ Gasoline	☐ Jetfuel	☐ Mineral acid (ASTs)
☐ Diesel	☐ Used/waste oil	☐ Ammonia, or chlorine compound
☐ Heating oil	☐ New motor/lube oil	☐ Biofuel blends
☐ Kerosene	☐ Pesticide	☐ Unknown
☐ Aviation gas	☐ Grades 5 & 6 residual oils	☐ Other: (specify)
☐ Hazardous substance (HSTs) - write name or Chemical Abstract Service (CAS) #:		

Comment [A1]: Create separate check box for chlorine compound.

Comment [A2]: Do not see these terms defined.

Discharge originated from: (Check all that apply)

☐ Tank	☐ Other secondary containment system	☐ Railroad tankcar
☐ Piping	☐ Fitting or pipe connection	☐ Barge, Tanker ship or other vessel
☐ Spill bucket	☐ Valve	☐ Pipeline
☐ Dispenser	☐ Tank truck	☐ Drum
☐ Piping sump	☐ Vehicle or customer vehicle	☐ Unknown
☐ Dispenser sump	☐ Aircraft	☐ Other: (specify)

Cause of the discharge: (Check all that apply)

☐ Spill	☐ Material failure (crack, split, etc.)	☐ Collision	☐ Weather
☐ Overfill	☐ Material incompatibility	☐ Vehicle accident	☐ Human error
☐ Corrosion	☐ Improper installation	☐ Fire/explosion	☐ Unknown
☐ Puncture	☐ Loose connection	☐ Vandalism	☐ Other: (specify)

Actions taken in response to the discharge:

Comments:

Agencies notified (as applicable):

☐ Fire Department ☐ County Program ☐ DEP District Office

To the best of my

knowledge and belief all information submitted on this form is true, accurate and complete.

☐ State Watch Office
800-320-0519

☐ National Response Center
800-426-8802

Printed Name of Owner, Operator or Authorized Representative

Signature of Owner, Operator or Authorized Representative

A. Did the Closure Integrity Evaluation demonstrate that the system components being closed passed the evaluation? Attach a summary of the evaluation conducted and the results. Previous annual operability reports, monthly visual/electronic inspection results, or any other supporting documentation to support the summary conclusions may be submitted with this evaluation. <i>If Yes, attach copy of documentation discussed above and proceed to Section III. <u>Closure Integrity Evaluation Methodology and Results.</u></i> <i>If No, then answer the following questions.</i>	Yes (Proceed to Section III.)	No (Proceed to II.A.1.)
--	---	---------------------------------------

1. Was an Incident Notification Form (INF) already submitted to the County [Form 62-762.901(6)]? <i>If No, complete INF and attach, or attach response as to why INF not being submitted.</i>	☐ Yes	☐ No
2. Was an incident investigation conducted PRIOR to closure? <i>If No, then investigation is required in accordance with "Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition" at the time of closure. If Yes, attach copy of incident investigation with results and answer the question below.</i>	☐ Yes	☐ No
> Did the investigation confirm the discovery of a discharge? <i>If Yes, then either a Discharge Report Form [Form 62-762.901(1)] or documentation supporting the position that the discovery is thought to be a previously reported discharge is required to be submitted. If No, then investigation is required in accordance with "Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition" at the time of closure. If No, then answer the question below.</i>	☐ Yes	☐ No
> Did the investigation confirm that there was not a discharge? <i>If No, then investigation is required in accordance with "Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition" at the time of closure.</i>	☐ Yes	☐ No

III. Closure Integrity Evaluation Methodology and Results: Include a short narrative of the Closure Integrity Evaluation detailing test methods used, calibration of equipment, summary of results including information about who performed the Closure Integrity Evaluation, and the dates the testing was performed.

This form is required for facilities performing a closure in accordance with Rule subsections 62-762.801(2) and 62-762.802(3), F.A.C. Documentation Results of the Closure Integrity Evaluation shall be reported ~~on~~ this form, along with any associated documentation attachments. This form shall be submitted to the County via email or mail along with the notification of closure between 10 and 25 days before initiation of the closure.

Owner or Operator Signature

Signature of person performing Closure Integrity Evaluation

Owner or Operator Name
(Print or Type)

Name of person performing Closure Integrity Evaluation
(Print or Type)

Date

Date

B. Was a Closure Integrity Report [Form 62-762.901(7)] submitted to the County prior to closure? <i>If No, then DO NOT USE THIS FORM. A closure investigation is required in accordance with "Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition" and a Closure Report must be submitted. If Yes, attach a copy of the Closure Integrity Report [Form 62-762.901(7)].</i>	Yes <i>(Attach copy of Closure Integrity Report)</i>	
C. Was an incident discovered during the evaluation? <i>If No, proceed to II.D., then Section III. <u>Closure Summary</u>.</i> <i>If Yes, then proceed to the next question.</i>	Yes <i>(Proceed to next question)</i>	No <i>(Proceed to II.D., then Section III. <u>Closure Summary</u>)</i>

> Was an Incident Notification Form (INF) submitted to the County [Form 62-762.901(6)]? <i>If Yes, attach copy of INF.</i> <i>If No, complete INF and attach, or attach response as to why INF not submitted.</i>	☐ Yes (Attach INF)	☐ No (Complete INF or Response)
> Was an incident investigation conducted PRIOR to closure? <i>If No, then DO NOT USE THIS FORM. A closure investigation is required in accordance with "Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition" and a Closure Report must be submitted.</i> <i>If Yes, then proceed to the next question.</i>	☐ Yes (Proceed to next question)	
> Did the investigation confirm that the incident was not a discharge? <i>If No, then DO NOT USE THIS FORM. A closure investigation is required in accordance with "Instructions for Conducting a Site Check During Aboveground Storage Tank Closure, 2015 Edition" and a Closure Report must be submitted.</i> <i>If Yes, attach copy of written confirmation.</i>	☐ Yes (Attach copy of written confirmation)	
D. Were wastes properly managed or disposed of in accordance with Department rules? <i>Attach copies of the transportation manifests and disposal certificates.</i>	☐ Yes	☐ No

III. Closure Summary: Include a short narrative of the closure activities, including information about who performed the closure, the dates the closure was performed, the Closure Integrity Evaluation results, any incident investigation activities and conclusions, and information about the final disposition, sale, removal, or on-site closure of tanks, piping, and major system components or equipment. Previous annual operability reports, monthly visual/electronic inspection results, or any other supporting documentation to support the summary conclusions may also be included.

This form is required for facilities performing a closure in accordance with Rule subsections 62-762.801(2) and 62-762.802(3), F.A.C. Documentation A summary of the closure activities performed shall be reported on this form, along with any associated documentation attachments. This form shall be submitted to the County via email or mail within 60 days of completion of the closure.

Owner or Operator Signature

Signature of person performing Closure

Owner or Operator Name
(Print or Type)

Name of person performing Closure
(Print or Type)

Date

Print Form

Date



Department of Environmental Protection

2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DEP Form: 62-762.891(4)
Form Title: Containment and Integrity Plan
Certification Form
Effective Date: *(effective date of rule)*
Incorporated in Rule 62-762.891, F.A.C.

Containment and Integrity Plan Certification Form

Use this form to notify the County Program of:

1. Establishment of the Containment and Integrity Plan (CIP)
2. Certification of secondary containment according to subsection 62-762.891(6), F.A.C.
3. Recertification of CIP or secondary containment

Comment [A1]: Add explanatory note as provided below.

Submit this form in writing or electronic format to the County Office in your area within 10 days of completion of this Form.

☐ Initial Certification

☐ Recertification

DEP Facility ID Number: _____ Tank Numbers: _____

Facility Name: _____

Facility Address: _____

I hereby certify or recertify that the tanks covered under the CIP or certification of secondary containment, as checked below, comply with the requirements of subsection 62-762.891(6), F.A.C.

☐ Containment and Integrity Plan

☐ Certification of secondary containment

Signature

P.E. Registration Number,
State of Florida

Name (Type or Print)

Date

*Secondary containment does not need to be recertified where there has been no structural change to the containment. A CIP does not need to be recertified and updated for tanks if a new mineral acid tank has not been added to a facility or there is no structural change to the containment.

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Concrete Structures, ACI 350.4R-04, 2004 Edition, and Control of Cracking in Concrete Structures, ACI 224R-01, (Reapproved 2008), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at ACI, 38800 Country Club Drive, Farmington Hills, Michigan 48331-3439, or at: <http://www.concrete.org/ACI-350R-89> and [ACI 224R-89](http://www.concrete.org/ACI-224R-89); or

2. Is applied to the concrete in accordance with *Design, Installation, and Maintenance of Coating Systems for Concrete Used in Secondary Containment*, SSPC-TU 2/NACE 6G197, Publication No. 97-04/Item No. 24193, February 1997, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at SSPC: The Coatings Society, 40 24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222-4643, (877) 281-7772, or from the publisher's website at <http://www.sspc.org/>; or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, or from the publisher's website at <http://www.nace.org/>. ~~NACE International Standard RP0892-92.~~

(34)(38) "In contact with the soil" means any portion of a storage tank system, that physically touches the soil or if not in direct contact with the soil, is separated from the soil only by a casing, wrapping, or other material that is not impervious, integral piping connected to ASTs or any portion of a tank, that:

(a) Physically touches the soil; or

(b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.

(c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.

(35)(39) "Incident" is a condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component.

(36)(40) "Industrial occupancy building" is an enclosed structure that contains a storage tank-AST system that is used in association with an industrial or manufacturing process, or for electric power generating utilities, provided that the building was constructed and is used primarily for industrial, manufacturing, or electric power generating purposes, and not solely for the purpose of storing regulated substances. An industrial occupancy building is a structure that has an impervious floor (without valves, drains, or other openings) that prevents would permit regulated substances from being pollutants to be discharged. Industrial occupancy buildings constructed between July 13, 1998, and (effective date of the rule), must meet the applicable regulatory requirements in effect at that time. Industrial occupancy buildings constructed after (effective date of the rule), July 13, 1998, must:

(a) Be constructed in accordance with *Flammable and Combustible Liquids Code, Storage Tank Buildings*, Chapter 24 of NFPA 30, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA-30, Section 2-5, Installation of Tanks Inside of Buildings, and Section 5-3, Facility Design;

(b) Have at least Type II construction in accordance with *Standard on Types of Building Construction*, NFPA 220, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA-220, Chapter 3;

(c) Be ventilated in accordance with *Standard on Explosion Protection by Deflagration Venting*, NFPA 68, 2013 Edition, and *Standard on Explosion Prevention Systems*, NFPA 69, 2014 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA-68 and [NFPA-69](http://www.nfpa.org/NFPA-69); and

(d) Be verified as meeting the above construction requirements by either a registered architect or a professional engineer licensed registered in the State of Florida

(37)"INF" means Incident Notification Form 62-762.901(6).

(38)(41) "In-service" means a storage tank system where the owner or operator has not reported to the Department pursuant to subsection 62-762.401(2), F.A.C., that the tank is out-of-service pursuant to subsection 62-762.801(1) or 62-762.802(2), F.A.C., or temporary out-of-service pursuant to subsection 62-762.802(1), F.A.C. that is being actively maintained and operated in accordance with this chapter. Non-compliance with any specific rule within this chapter does not exclude the system from being considered "in-service." Subject to the above, a storage tank system is also considered to be in-service if it:

(a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;

(b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or

in this chapter for industrial occupancy buildings

(u)(v) Any vapor recovery holding tanks and associated vapor recovery piping systems; or
(v)(w) Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 5 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code, Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles*;

(w)(x) Any Drip irrigation systems that:

1. Are not in contact with the soil;
2. Are constructed of corrosion resistant materials;
3. Are compatible with the products stored;
4. Contain less than 80 percent concentration of fertilizer materials by volume; and
5. Are applied on site.

(x)(y) Systems used exclusively for the storage of aqueous solutions of sodium hypochlorite;

(y)(z) Any mobile tank;

(z)(aa) Any system located entirely within an industrial occupancy building;

(aa)(bb) Any storage tank system, ~~that was installed before July 13, 1998, and is~~ located entirely within an enclosed building or vault with an adequate roof and walls to prevent rainwater from reaching the system, and with an impervious floor containing no valves, drains, or other openings that would permit regulated substances to be discharged from the system. ~~Storage tank systems that were installed between July 13, 1998, and the~~ *(effective date of the rule)* ~~must meet the applicable regulatory requirements in effect at the date of installation that were~~ *constructed before July 13, 1998; or*

(bb)(ee) Any mobile double-walled storage double-wall tank, ~~regardless of how long it is located at a facility,~~ that is connected with a power module system that is used for the emergency or supplemental generation of electrical power by an electric utility as defined in Chapter 366, F.S. This exemption is limited to storage tanks that are designed and constructed to be moved ~~between to other service locations, relocated and the relocation~~ within a facility or where the inherent use is from site to site; ~~is inherent in its use.~~

(cc) Docklines transferring regulated substances from the marine transfer area to the bulk product facility provided the docklines are not integral piping of the regulated bulk product facility;

(dd) Any storage tank system containing biofuels with a concentration of regulated substances of 5 percent or less by volume; or

(ee) Any multiple compartmented storage tank system where each compartment does not share any of its walls with another compartment and the maximum capacity of each compartment is equal to or less than 550 gallons. *Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.321, 376.322(3) FS. History—New 6-21-04, Amended*.

Substantial rewording of Rule 62-762.401, F.A.C., follows. See Florida Administrative Code for present text.

62-762.401 Facility Registration and Financial Responsibility.

(1) For installations:

(a) For the purposes of this subsection, installation shall mean the date that the storage tank system or system component placement or construction begins.

(b) For new facilities, which are facilities that began construction after *(effective date of the rule)* a completed Form 62-762.901(2), Storage Tank Facility Registration Form (Registration Form), effective date, *(effective date of the rule)* hereby adopted and incorporated by reference, shall be submitted in electronic or paper format to the Department no later than 30 days prior to installation. For facilities with existing registered storage tank systems, a completed Registration Form shall be submitted in electronic or paper format to the Department no later than 7 days prior to regulated substances being put into any new storage system. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldepportal.com/go/submit-registration/>, or to obtain copies of the form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(2) For a change in service status or closure pursuant to Rules 62-762.801 and 62-762.802, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status or closure.

(3) A completed Registration Form shall be submitted to the Department in paper or electronic format within 10 days of the following changes or discovery:

(a) Any change in the owner or operator of a facility or of a storage tank system;

(b) Any change or correction in the information reported in the Registration Form. A change within the same blend of regulated substances should not be reported (e.g., regular unleaded to premium unleaded gasoline);

(c) A permanent change from a regulated to a non-regulated substance; and



April 11, 2016

Mr. Bill Burns
Environmental Administrator
Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Via E-Mail: bill.burns@dep.state.fl.us

Re: Chapter 62-761
Chapter 62-762
Proposed Rule 62-761.420 Financial Responsibility
March 28, 2016 Public Workshop

Dear Mr. Burns:

As a follow-up to the comments we provided at the above-referenced Public Workshop, we are providing these additional comments regarding the proposed rules.

Rule 62-761.500(4) – Spill Buckets

Spill buckets---The Department does not require double-walled spill buckets. However, the Department will not allow a double-walled spill bucket to be used as a single-wall spill bucket. This seems arbitrary. Presumably, the Department's rationale is that the equipment registration does not contemplate that the double-walled spill bucket be used as single-walled. Logically, a manufacturer does not contemplate that its double-walled spill bucket will be used without utilizing the interstitial monitoring component. After all, the interstitial monitoring component is the central feature for marketing the double-walled spill bucket. But if both walls of the spill bucket meet construction and compatibility requirements, there is no technical reason for not allowing the spill bucket to operate as a single-walled spill bucket. The Department may suggest that this issue be handled as an Alternate Procedure. This is not satisfactory, largely because the Alternate Procedure requirement requires substantially the same measure of protection as the rule that would be varied from. The "newly" single-walled spill bucket would provide the same protection as

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* BOARD CERTIFIED CONSTRUCTION LAWYER
** BOARD CERTIFIED CIVIL TRIAL LAWYER
*** CERTIFIED CIRCUIT CIVIL &
APPELLATE MEDIATOR
^ CERTIFIED FAMILY LAW MEDIATOR
o ALSO ADMITTED IN GA

A MEMBER OF
 THE HARMONIE GROUP

Mr. Bill Burns
Environmental Administrator
Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
April 11, 2016
Page 2

the rule for single-walled spill-buckets. If the Department viewed the Alternate Procedure request in that fashion, there may not be an issue (although this illustrates why the rule should be written as we propose it). However, if the standard is that the single-walled spill bucket provide the same measure of protection as a double-walled spill bucket, the Alternate Procedure request is likely to (unfairly) fail.

Rule 62-761.400(7) – Delivery Prohibition

The rule uses the term “valid registration placard.” As we have commented previously, the supplier needs to be able to rely on a posted registration placard. If the posted placard for the facility is current, it is a “valid” registration placard.

Rule 62-761.600(1)(i) – Standby Generators

Please ensure that the rule includes adequate opportunity to meet newly-imposed requirements for standby generators (aside from the October 13, 2018 deadline for release detection). Also, has the Department determined whether storage tank insurance is readily available for owners of these systems who may not be able to meet self-insurance requirements? Does the Department have plans to notify owners in advance of such requirements as part of a public information effort?

Rule 62-761.710 – Records of Alarm History

We suggest that the Department highlight the requirement to maintain alarm history records as part of its efforts to educate system owners and operators about this requirement.

Rule 62-761.850 – Equipment Registration

It is unclear what a “registration” is for purposes of Chapter 120, Florida Statutes. If an equipment registration may be revoked, for example, if the Department receives sufficient evidence that the equipment is not performing, then we would be comfortable that the administrative process would apply. However, if a vendor who supplies defective, but registered, equipment or misuses registered procedures faces only the prospect of non-renewal of registration in the next cycle, we do not believe that process provides adequate protection.

Tank Inspections

It may be difficult, particularly for multi-facility marketers who cover a broad geographic range to have a knowledgeable representative available without logistical planning. While

Mr. Bill Burns
Environmental Administrator
Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
April 11, 2016
Page 3

operator training suggests that on-site personnel will have some knowledge of operations, it is unclear whether this would be sufficient knowledge to handle an inspection. We request that the Department recognize this and incorporate this planning into the inspection process.

Financial Responsibility

Financial Responsibility for Out-of-Service Tanks

Technically, the federal regulations require owners or operators of out-of-service systems to maintain financial responsibility. 40 CFR § 280.113. However, insurance, which is the most common form of financial responsibility in Florida, and may be the only available form, may not be available for out-of-service systems. The Department has the ability to request that EPA suspend enforcement of financial responsibility if it is not readily available. See 42 USC § 6991b(d)(5)(D) and 40 CFR § 280.116. Alternatively, the Department can work with the Office of Insurance Regulation, or otherwise provide in its rules, for a prohibition on cancellation of coverage for placing a system out-of-service, as long as coverage otherwise remains in effect by that insurer for that insured.

Closure and Site Check

The Closure Assessment is proposed to incorporate the term “site check.” The term “site check” is found in 40 CFR § 280.52, and generally means an investigation (soil and groundwater assessment) to determine whether a discharge has occurred. There are no specific directions as to how a site check should be performed, thereby leaving much to the judgment of the professional. This regulation deals with a suspected release during the operational period of the system.

In terms of what we think of as a Closure Assessment, the parallel federal regulation is 40 CFR § 280.72. This requires, at closure, the same type of investigation contemplated by the site check regulation of 40 CFR § 280.52. The language of the two regulations is virtually identical, except that the term “site check” is not used in 40 CFR § 280.72.

We are familiar with storage tank insurance policies that use a “site check” as one of the means by which an insured may demonstrate that a discharge has occurred. Our concern is that the Department’s Closure Guidelines sets forth some specific requirements as to the assessment that may be required to constitute a “site check” upon closure. An insurance

Mr. Bill Burns
Environmental Administrator
Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
April 11, 2016
Page 4

company may therefore argue that assessment during the operational life of a system of a suspected release that relies on the judgment of the professional as to where to sample (or not), rather than on the assessment requirements imposed by the Closure Guidelines, would not be a valid “site check.” Therefore we strongly recommend that the Department adopt the federal approach and restrict the use of the term “site check” to an assessment during the operational life of a system and continue to use the term “closure assessment” when related to the Closure Guidelines. The rule and the forms and guidance documents should be amended accordingly.

Proposed Rule 62-761.420(2) Financial Responsibility Release from Requirements

This proposed rule is meant to parallel 40 CFR § 280.113 to establish when a policy may be terminated with respect to a tank or tanks. We suggest that subsection (2) end at the word Department and that the remainder of (2), (2)(a) and (b) (up to “To obtain copies...” be struck. The rationale is that once a closure is complete and approved, the insured (or the Department) will generally have six months after the policy terminates for that tank(s) under the federal Six-Month Extended Reporting Period to file a claim. The insurance need not be in place for this claim to proceed. The claim is based on the coverage that was in effect while the tank(s) were in operation. Therefore, there is no need to have a post-closure financial responsibility requirement.

Proposed Rule 62-761.420(4) Financial Responsibility Records

The proposed rule states that financial responsibility records must be maintained at the facility or the owner’s (“their”) place of business. Typically, the insured is the tank owner or operator, not necessarily the property owner. The option should be added for the “insured’s place of business.”

Proposed Rule 62-761.420(7) Choice of Law and Venue

We fully support the Department’s prohibition against non-Florida venue and choice of law provisions. Such provisions are typically used by insurers to enforce highly restrictive reporting obligations and to avoid the potential for an award of attorneys’ fees when coverage is wrongfully denied. We note that on two occasions, involving Zurich and Mid-Continent, the Office of Insurance Regulation prohibited non-Florida clauses. Unfortunately, the Office of Insurance Regulation has not been consistent in this approach. Also, the Office of Insurance Regulation does not review policy forms for surplus lines policies. At the very least, the Department should notify the Office of Insurance Regulation

Mr. Bill Burns
Environmental Administrator
Compliance Assistance
Division of Waste Management
Florida Department of Environmental Protection
April 11, 2016
Page 5

of this rule so that non-Florida venue and choice of law provisions in storage tank policies are not approved in policies which the Office of Insurance Regulation reviews. This would eliminate any conflict between the rule and an approval by the Office of Insurance Regulation.

Thank you again for your efforts in these rulemaking proceedings. If you have any questions or need additional information, please contact me.

Sincerely,



Robert D. Fingar

cc: Kimberley Curran (Kimberley.curran@dep.state.fl.us)

From: [Bob Fingar](#)
To: [Hewitt, Betsy](#)
Cc: [Burns, Bill](#); [Curran, Kimberley](#)
Subject: RE: 62-761, FAC
Date: Monday, May 16, 2016 4:04:41 PM

Dear Betsy:

Thank you for providing this. With respect to the release from FR requirements, I think that your proposed language (subsection (2)), given 40 CFR 280.113, is probably the best we can do.

In subsection (3), you still have the language "shall be made by the facility owner." I note that this conflicts with the federal law, since the facility owner is not required to demonstrate FR. Under the federal law, it's the tank owner or operator. I also note that this language conflicts with subsection (2), which recognizes that different people may have secured the FR. I understand holding the facility owner responsible, as that what the Florida Statute says (although that statute predates the federal FR requirement), so I think the best way around this is to allow the person with the FR or the facility owner to demonstrate FR, but still hold the facility owner responsible.

On the out of service issue, I still think the Department needs to establish that insurance is available for out of service systems. If it is not, the suspension of enforcement that I previously referenced ought to be considered. I am not sure how the rule "should resolve concerns over insurance companies that cancel policies for tanks that are taken out of service." The rule requires that the insured replace coverage within 90 days of cancellation. It does not appear to do anything to prevent cancellation. In fact, I am not sure why the Department should just not say that a policy can't be cancelled if the tank is lawfully out of service. That would certainly resolve the concern.

Please let me know your thoughts. Thanks.

Bob

Robert D. Fingar

Shareholder

Guilday, Schwartz, Simpson, West, Hatch & Lowe, P.A.

Direct: 850.701.4362 **Fax:** 850.222.2593

From: Hewitt, Betsy [mailto:Betsy.Hewitt@dep.state.fl.us]
Sent: Tuesday, May 03, 2016 11:58 AM
To: Bob Fingar <Bob@guildaylaw.com>
Cc: Burns, Bill <Bill.Burns@dep.state.fl.us>; Curran, Kimberley <Kimberley.Curran@dep.state.fl.us>
Subject: 62-761, FAC

Dear Bob – Attached is a revision to 62-761.420, Financial Responsibility. Upon further discussion internally, we have recommended, under paragraph (2), that the responsibility to maintain FR should exist until closure. In addition, we have updated the language in subsections 62-761.800(1) and (2), F.A.C., also attached, to provide that FR must be maintained and demonstrated during out-of-service status; and where FR cannot be maintained and demonstrated, then the tanks must be closed within 90 days. This proposed language should

render Florida's requirement for FR consistent with federal requirements, and should resolve concerns with insurance companies that cancel policies for tanks that are taken out of service; an occurrence that we encounter with some frequency.

We would appreciate your comments on this proposal within 2 weeks; this rulemaking has been ongoing for some time now and the Department would like to keep things moving forward. To this end, if you wish to discuss the language, we will of course be happy to do so. Thanks. bh

From: [Mike Petrovich](#)
To: [Curran, Kimberley](#)
Subject: FW: AST Rule-Applicability/Grandfathering
Date: Monday, May 09, 2016 3:01:58 PM

Was this email comment addressed in your initial email?

From: Mike Petrovich
Sent: Friday, April 15, 2016 1:31 PM
To: 'Burns, Bill'
Cc: 'Hewitt, Betsy'; 'Curran, Kimberley'
Subject: AST Rule-Applicability/Grandfathering

Bill- Following up on our call yesterday, provided below are suggested revisions to draft Rule 62-762.301(1)(a), F.A.C., on page 12, lines 49-55 (March 28 workshop draft). As currently set out in the March 28 workshop draft, FCG and FPL believe that the language is drawn too narrowly. We believe these proposed revisions clarify agency intent. We suggest that a similar revision is appropriate for the UST rule. After you and Betsy have reviewed, give me a call. Thanks and have a good weekend.

- (a) The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, and owners and operators of storage tank systems with individual storage tank capacities greater than 550 gallons, that contain or contained regulated substances. Storage tank systems or system components installed after (*effective date of the rule*), shall comply with this Chapter upon installation. Unless otherwise specified in this Chapter, storage tank systems or system components installed before (*effective date of the rule*), are subject to the applicable Reference Standards listed in the Department's storage tank Rules and Reference Standards in those rules that were in effect at the time the storage tank systems or system components were installed.

Michael P. Petrovich

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From: [Burns, Bill](#)
To: Robert.Stafford@duke-energy.com
Cc: [Curran, Kimberley](#); [Dohaney, Timothy](#)
Subject: FW: Duke Energy - FDEP AST Rule Amendment Comment
Date: Thursday, March 24, 2016 2:37:17 PM
Attachments: [BOI-Guidance-Final.pdf](#)

Mr. Stafford:

Thank you for the comment.

William E. Burns, Jr.
Environmental Administrator
Compliance Assistance
Division of Waste Management
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
850/245-8842



Please consider the environment before printing this email.

From: Stafford, Robert [mailto:Robert.Stafford@duke-energy.com]
Sent: Thursday, March 24, 2016 2:34 PM
To: Burns, Bill
Cc: Stafford, Robert
Subject: Duke Energy - FDEP AST Rule Amendment Comment

Good afternoon Bill;

Duke Energy Florida is submitting the following comment regarding FDEP's AST rule amendment pertaining to Section 62-762.611 Release Detection Methods.

62-762.611 (4) (a) 1 d. states "The interstice of below-grade double-walled integral piping shall be tested within 5 years of (effective date of the rule), and every 5 years thereafter. The new rule amendments, to my knowledge, makes no provision for "closed" or "open" interstices.

The existing rule defines both "open" and "closed" interstices and has a requirement to conduct integrity testing on "closed interstices" on a 5 year frequency and is outlined as well in FDEP's Breach of Integrity Guidance document (attached).

Existing Rule Definition:

(44) “Interstitial monitoring” is a release detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:

- (a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or
- (b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.

Action Item:

Duke Energy is interested in maintaining existing rule language or similar language that *would not require* a breach of integrity test for double-walled piping that is in contact with the soil having an **“open” interstice**.

Please consider this allowance in the new rule amendments. Feel free to contact me with any questions.

Thank-you, Bob

Bob Stafford

Duke Energy Florida

299 1st Avenue North | St. Petersburg, FL 33701

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robert.stafford@duke-energy.com

