



UST and AST Rulemaking Updates

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

October 2019



History

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

- **Previous Rule Amendments**
 - Adopted January 11, 2017
- **Current Rule Amendments**
 - UST adopted October 13, 2019
 - AST adopted October 17, 2019



History

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

- A Rule Development Workshop was held with industry stakeholders on June 20, 2018
- The comment period ended December 2018



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

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



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

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



UST and AST Rule Revisions Definitions

- **Rules .200 and .201**
 - **Dates and citations were updated**
 - **Closure Integrity Evaluation was revised**
 - **Definition of Pesticides removed from .201**
 - **Piping Sump was revised**
 - **New definition of the term Sump added in**



UST and AST Rule Revisions Reference Guidelines

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



UST and AST Rule Revisions Applicability

- **Rules .300 and .301**
 - **In Rule 62-761.300, F.A.C.**
 - Updated links, dates, and removed language
 - **In Rule 62-762.301, F.A.C.**
 - Removed the ammonia and chlorine requirement due to confusion under .301(1)(b)
 - Updated dates and removed language



UST and AST Rule Revisions Registration

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



UST and AST Rule Revisions Notification

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



UST and AST Rule Revisions Financial Responsibility

- **Rules .420 and .421**
 - For both rules, rearranged language to other sections, updated dates, and added information for government-owned facilities
 - Under subsection 62-762.421(3), F.A.C., added that 40 CFR 280.90(c) is not adopted. This means that State and Federal AST facilities are no longer exempt from financial responsibility requirements. Also added additional clarifying language.



UST and AST Rule Revisions Incidents

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



UST and AST Rule Revisions

Storage Tank System Requirements

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



AST Rule Revisions

Shop Fabricated Storage Tank Systems

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



UST and AST Rule Revisions

Repairs, Operation and Maintenance

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



UST and AST Rule Revisions

Out-of-Service and Closure Requirements

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



UST and AST Rule Revisions Equipment Registration

- **Subsections .850(2) and .851(2)**
 - Form date and name revised



UST and AST Rule Revisions Storage Tank Forms

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



Storage Tank Forms

Minor Revisions to Forms



UST Forms Revised

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



AST Forms Revised

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



Instructions for Conducting Sampling Documents Revised

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



Rulemaking Documents

**All Rulemaking Documents can be accessed
online at:**

[Storage Tank Systems Rulemaking](#)

Adopted Rules - Chapter [62-761](#) and [62-762](#)



Rulemaking Questions

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