DRAFT
CHAPTER 62-761, FLORIDA ADMINISTRATIVE CODE
UNDERGROUND STORAGE TANK SYSTEMS

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62-761.100 Intent. (*No change*)

(1) The purpose of this chapter is to provide requirements for underground storage tank systems that store regulated substances in order to minimize the occurrence and environmental risks of releases and discharges. This chapter provides requirements for underground storage tank systems having individual storage tank capacities greater than 110 gallons.

(2) This chapter implements the requirements of Chapter 376, F.S. Final agency action related to the functions that may be carried out by a locally administered governmental program (county) under contract with the Department pursuant to Section 376.3073, F.S., shall be taken by the Department.

(3) Site access to the facility and individual storage tank systems or system components, 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 unlock and open any covers, manways, and release detection equipment associated with the storage tank system or system component and demonstrate operational functionality of electronic equipment.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.3073, 403.091 FS. History–New 12-10-90, Formerly 17-761.100, Amended 9-30-96, 7-13-98, 6-21-04, 1-11-17.

62-761.200 Definitions.

All words and phrases defined in Section 376.301, Florida Statutes (F.S.), shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Section 376.301, F.S., for definitions of the following terms: "Contaminant," "Department," "Discharge," "Facility," "Flow-through process tank," "Hazardous substances," "Operator," "Owner," "Petroleum," "Petroleum product," and "Pollutants." The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meaning:

(1) "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^+).

(2) "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.

(3) "Cathodic protection" means a method of preventing corrosion of a metal surface through the use of galvanic anodes or impressed current.

(4) "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 storage tank systems. Certified Contractors are the only contractors authorized to perform the following activities for underground pollutant storage tank systems if backfill is disturbed:

(a) Installation of:

1. Storage tank systems 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 sumps 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.

(5) "Certified Contractors Form" means Underground Storage System Installation and Removal Form for Certified Contractors 62-761.900(5).

(6) "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^-).

(7) "Class A operator" of an underground storage tank system facility is an individual who typically has primary responsibility for ensuring the proper operation and maintenance of the storage tank systems, particularly in the capacity of managing resources and personnel necessary to achieve and maintain compliance with all storage tank system regulations.

(8) "Class B operator" of an underground storage tank system facility is an individual who ensures the implementation of all applicable requirements of these regulations in the field and implements the day-to-day aspects of the operation and maintenance of, and recordkeeping for, storage tank systems.

(9) "Class C operator" of an underground storage tank system facility is an individual designated by the facility owner, storage tank system owner, or operator who typically controls the dispensing of fuel at the facility and is responsible for initial response to alarms, releases, spills, overfills, or threats to the public or to the environment.

(10) "Closure Integrity Evaluation" is an assessment of storage tank system integrity that is performed by a third-party inspection or testing entity at closure, replacement, or change in service from a tank containing regulated substance to a non-regulated substance. The evaluation is a physical test of interstitial tightness (such as vacuum or pressure) or visual inspection (such as hydrostatic) of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a primary integrity test of a single-walled storage tank, or containment integrity test of a single-walled piping sump, dispenser sump, or spill containment system.

(11) "Closure Integrity Report" means Closure Integrity Evaluation Report Form for USTs 62-761.900(7).

(12) "Closure Report" is a report prepared in accordance with *Instructions for Conducting Sampling During Underground Storage Tank Closure*, MMYYYY ~~July 2019~~ Edition.

(13) "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.

(14) "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 Cathodic Protection Specialist or Corrosion Specialist, or be a professional engineer licensed in the state of Florida.

(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) “Day tank” means a storage tank connected to a regulated tank by way of integral piping that contains the amount of fuel commonly used in a 24-hour period.

(18) “Discovery” means actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of a previously unreported incident, release, or discharge.

(19) “Dispenser” means a dispensing system that is used to transfer regulated substances from a fixed point to a vehicle or portable container.

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

(21) “Double-walled” means a storage tank system or system component that has an outer wall that provides secondary containment.

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

(23) “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.

(24) “Free product” means the presence of a regulated substance as a nonaqueous phase liquid in the environment in excess of 0.01 foot in thickness, measured at its thickest point.

(25) “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.

(26) “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 *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 62-761.210(1), F.A.C., or from the publisher at ACI, 38800 Country Club Drive., Farmington Hills, Michigan 48331-3439, (248)848-3800, or the publisher’s website at http://www.concrete.org/, 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 62-761.210(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 from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800)797-6223, or from the publisher’s website at http://www.nace.org/.

(27) “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.

(28) “Incident” is a condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component.

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

(30) “In-service” means a storage tank system where the owner or operator has not reported to the Department in accordance with paragraph 62-761.400(2)(a), F.A.C., that the tank is out-of-service pursuant to paragraph 62-761.800(1)(b), F.A.C.

(31) “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 and vent lines are not considered integral piping. 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;

(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.

On-site ~~Onsite~~ 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.

(32) "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 the interstitial space in a double-walled storage tank system or system component using vacuum, pressure, liquid filled 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, or

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

(33) "Interstice" means the space between the primary and secondary wall of a storage tank system or system component.

(34) "Interstitial monitoring" is a method of release detection in which the area between the primary and secondary wall of a storage tank system component is monitored for signs of release.

(35) "Limited Closure Report" means Limited Closure Report Form for USTs 62-761.900(8).

(36) "Liner" means an impervious material that meets the performance requirements of paragraph 62-761.500(1)(b), F.A.C., that is used externally as a method of secondary containment.

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

(38) "Monitoring point" means the lowest point in the interstitial space, spill containment system, or sump other than an underground storage tank sump mounted on top of a cylindrical tank. In this case, the monitoring point is the apex of the curvature of the top of the tank, which serves as the bottom of the sump.

(39)~~(38)~~ "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 of this chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience.

(40)~~(39)~~ "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.

(41)~~(40)~~ "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 62-761.900(2).

(42)~~(41)~~ "Overfill" is an incident that occurs when a tank is filled beyond its capacity.

(43)~~(42)~~ "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.

(44)~~(43)~~ "Pesticides" means any substance or mixture of substances 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 21 U.S.C. §321(v) 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 21 U.S.C. §321(w) of the Federal Food, Drug, and Cosmetic Act

bearing or containing an article covered in this subsection.

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

(46)~~(45)~~ "Piping sump" means a storage tank system component installed as secondary containment or a monitoring port at the lowest point in the integral piping to detect releases. Piping sumps do not include impervious pits or trenches which contain integral or bulk product piping so long as such pits or trenches are open on the top or have grating on the top that allow the integral or bulk product piping to be visually inspected.

(47)~~(46)~~ "Pressurized piping" means piping through which regulated substances are pumped under pressure.

(48)~~(47)~~ "Product" 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.

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

(50)~~(49)~~ "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 system.

(51)~~(50)~~ "Release" means a loss of regulated substances from a storage tank system or system component into the system's secondary containment.

(52)~~(51)~~ "Release detection" means a method of 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.

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

(54)~~(53)~~ "Residential storage tank system" means a storage tank system that provides fuel for heating, air conditioning, or electricity to a residential structure that, for the purposes of this chapter,~~. That structure~~ is a non-commercial building utilized exclusively as a single-family dwelling unit that is used as a home or residence by one or more persons who maintain a common household. The following are not considered residential structures: apartments, condominiums, hotels, mobile home parks, motels, and timeshare estates~~, excluding transient occupancies~~. This clarification is effective one year from the effective date of this rule.

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

(56) "Shear valve" means a valve located on the product lines inside each dispenser. The shear valve immediately blocks fuel if a dispenser is displaced from its regular position or if a fire occurs inside the dispenser. Shear valves are also known as fire valves, emergency shutoff valves, crash valves or impact valves.

(57)~~(55)~~ "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.

(58) "Significant noncompliance" means the failure to maintain compliance for one or more of the following: release detection, spill containment, overfill protection, construction, or financial responsibility, when used in this chapter.

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

(60)~~(57)~~ "Storage tank system" means a tank used to contain regulated substances, its integral piping, and all its components, including dispensers, spill containment systems, overfill protection systems, 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.

(61)~~(58)~~ "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, shear valves, other valves, vents, sumps, pumps, including dispensers, spill containment systems, overfill protection systems, secondary containment systems, and any associated release detection equipment.

(62)~~(59)~~ "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.

(63)~~(60)~~ "Sump" means a storage tank system component installed as secondary containment to prevent discharges of regulated substances. Sumps include dispenser sumps, piping sumps, spill containment systems and hydrant sumps. Hydrant sumps or hydrant pits are 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.

(64)~~(61)~~ "Tank" means an underground 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.

(65)~~(62)~~ "UST" means an underground storage tank.

(66)~~(63)~~ "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.

Rulemaking Authority 376.303 FS. Law Implemented 376.301, 376.303, 489.133 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, 1-11-17, 10-13-19, 6-25-23,___ _____.

62-761.210 Reference Guidelines.

(1) Reference guidelines listed in paragraphs 62-761.210(2)(a) through (n), F.A.C., that are copyright protected 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, or the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, in accordance with Section 120.54(1)(i)3.b., F.S., or available directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be obtained as provided in the document titled *UST Appendix A – Secondary References*, June 2023 Edition, hereby adopted and incorporated by reference, located here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department of Environmental Protection or the Department of State address listed above. All other secondary references can be obtained through the following reference guidelines.

(2) Titles of documents. References to the following documents listed in paragraphs 62-761.210(2)(a) through (n), F.A.C., 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). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at ACI, 38800 Country Club Drive, Farmington Hills, Michigan 48331-3439, (248)848-3800, or the publisher's website 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). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202)682-8000, or the publisher's website at http://www.api.org/:

1. *Closure of Underground Petroleum Storage Tanks*, API Recommended Practice 1604, 4th Edition, February 2021,

2. *Installation of Underground Petroleum Storage Systems*, API Recommended Practice 1615, (R2020), 6th

Edition, April 2011,

3. *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API Recommended Practice 1632 (R2010), 3rd Edition, May 1996. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.; and,

4. ~~*Using the*~~ *API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals*, API Recommended Practice ~~RP~~ 1637, 5th ~~4th~~ Edition, August 2025 ~~April 2020~~.

(c) AMPP (The Association for Materials Protection and Performance, formerly NACE International). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at AMPP, 15835 Park Ten Place, Houston, Texas 77084, (800)797-6223, or the publisher's website at https://www.ampp.org/home:

1. *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2024, May 2024 Edition; and,

2. *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2021 September 2021 Edition.

(d)~~(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 62-761.210(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/: *Process Piping*, ASME B31.3, 2024 ~~2020~~ Edition.

(e)~~(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, 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.

(f)~~(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 the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference, or at the following website location: http://www.flrules.org/Gateway/reference.asp?No=Ref-11183, *Instructions for Conducting Sampling During Underground Storage Tank Closure*, MMYYYY ~~July 2019~~ Edition.

~~(f) AMPP (The Association for Materials Protection and Performance, formerly NACE International). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at AMPP, 15835 Park Ten Place, Houston, Texas 77084, (800)797-6223, or the publisher's website at https://www.ampp.org/home:~~

~~1. *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition; and,~~

~~2. *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2021 September 2021 Edition.~~

(g) National Fire Protection Association (NFPA). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800)344-3555, or at the publisher's website at www.nfpa.org/:

1. *Flammable and Combustible Liquids Code*, NFPA 30, 2024 ~~2021~~ Edition;

2. *Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks*, NFPA 30 (Annex C), 2024 ~~2021~~ Edition; and,

3. *Code for Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2024 ~~2021~~ Edition.

(h) National Institute of Standards and Technology (NIST). Information about this bureau of the Department of Commerce is available at National Institute of Standards and Technology, 100 Bureau Drive, Stop 1070, Gaithersburg, Maryland 20899-1070, (301)975-6478, or the organization's website at http://www.nist.gov/index.html.

(i) National Leak Prevention Association (NLPA). 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 NLPA, Route 2 Box 106A, Falmouth, Kentucky 41040, (702)832-2260, or the publisher's website at http://www.nlpa-online.org/: *NLPA Standard 631, Chapters A and B*, 1991. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.

(j) Petroleum Equipment Institute (PEI). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or the publisher's website at www.pei.org/:

1. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-22, 2022 ~~PEI/RP100-20, 2020~~ Edition; and,

2. *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-24, 2024 ~~PEI/RP1200-19, 2019~~ 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 from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800)797-6223, 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 62-761.210(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, Illinois 60047, (847) 438-8265, or from the publisher's website at https://www.steeltank.com/:

1. *sti-P3® External Corrosion Protection of Underground Steel Storage Tanks*, sti-P3®, Revised July 2019 ~~May 2018~~. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.,

2. *Specification for External Corrosion Protection of FRP Composite Steel USTs – ACT-100®*, STI F894, Revised May 2018. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C., ???

3. *Cathodic Protection Testing Procedures for sti-P3® UST's*, STI R051-17, (R051), Revised April 2017,

4. *Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, STI R892, Revised January 2006; and,

5. *Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs*, STI R972, Revised December 2010.

(m) Underwriters' Laboratories Standards (UL). Copies of the following documents are available at the Department address listed in subsection 62-761.210(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or from the publisher's website at www.ul.com/:

1. *Steel Underground Tanks for Flammable and Combustible Liquids*, UL 58, July 1998, Revised January 2018, 10th Edition. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.,

2. *Nonmetallic Underground Piping for Flammable Liquids*, UL 971, May 2021, 2nd Edition. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.,

3. *Standard for Fibre Reinforced Underground Tanks for Flammable and Combustible Liquids (formerly Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures)*, UL ~~UL/ULC~~ 1316, January 1994, Revised May 2024 ~~November 2018~~, 3rd Edition. Secondary references

to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.,

4. *External Corrosion Protection Systems for Steel Underground Storage Tanks,* UL 1746, January 2007, Revised December 2014, 3rd Edition. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.; and,

5. *Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems,* UL 1856, June 2020, 2nd Edition. Secondary references to this guideline can be found here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15411, or the Department address listed in subsection 62-761.210(1), F.A.C.

(n) United States Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations. Copies of the following documents are available at U.S. Government Printing Office, 732 North Capitol Street, N.W., Washington, DC 20401-0001, (202)512-1800, or from the publisher's website at https://www.govinfo.gov/app/collection/cfr:

1. *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST),* 40 CFR Part 280, Subpart H, Financial Responsibility, July 15, 2015; published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, N.W., Washington, DC 20401-0001, or https://www.flrules.org/Gateway/reference.asp?No=Ref-15341, or https://www.govinfo.gov/app/collection/cfr/2015/title40; and,

2. *Designation of Hazardous Substances* 40 CFR Section 302.4, August 1989, published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, N.W., Washington, DC 20401-0001, or http://www.flrules.org/Gateway/reference.asp?No=Ref-07663, 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 the effective date of this rule (as indicated in the History Notes at the end of each rule) ~~January 11, 2017~~, shall comply with this chapter ~~on or after January 11, 2017~~. Unless otherwise specified in this chapter, storage tank systems or system components installed before the effective date of this rule ~~January 11, 2017,~~ 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.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.210, Amended 7-13-98, 6-21-04, 1-11-17, 10-13-19, 6-25-23,_____.

Editorial Note: Portions of this rule were relocated to Rule 62-761.420, F.A.C., on 1-11-2017.

62-761.300 Applicability.

(1) General Requirements.

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 110 gallons, that contain or contained regulated substances. Storage tank systems or system components installed after the effective date of this rule (as indicated in the History Notes at the end of each rule) ~~January 11, 2017~~, shall comply with this chapter upon installation. Unless otherwise specified in this chapter, storage tank systems or system components installed before the effective date of this rule ~~January 11, 2017,~~ 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.

(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. § 2601 ~~15 U.S.C. 2065~~) https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act;

(c) Any pesticide waste degradation system;

(d) Storage tank systems used solely for temporary storage of mixtures of pesticides and dilutent 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 a regulated substance at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under *Designation of Hazardous Substances* 40 CFR Section 302.4, August 1989, hereby adopted and incorporated by reference, and available from publisher at the Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, N.W., Washington, DC 20401-0001, or http://www.flrules.org/Gateway/reference.asp?No=Ref-07663, or http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr302_main_02.tpl, or the Department address located in subsection 62-761.210(1), F.A.C.; and,

2. Was never previously regulated under sections 376.30 through 376.309, F.S. or this chapter.

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

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

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

(m) Any residential storage tank system used solely for residential purposes. However, under *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 CFR Part 280, July 15, 2015, residential tanks greater than 1,100 gallons containing motor fuels are subject to federal underground storage tank rules;

(n) 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) Day tanks with a capacity less than or equal to 110 gallons or any flow-through process tank. 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. Day tanks with capacities greater than 110 gallons are not exempt and shall be in compliance with this chapter no later than June 25, 2024;

(p) 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;

(q) 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;

(r) Any pipeline, piping, and “break-out” tanks directly connected to the pipeline regulated by the United States Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations;

(s) 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 Part 50, Appendix A;

(t) Any vapor recovery holding tanks and associated vapor recovery piping systems;

(u) Any storage tank system containing biofuel that has a concentration of regulated substance of five percent or

less by volume, or

(v) Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 of *Flammable and Combustible Liquids Code*, *Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles,* NFPA 30, 2024 ~~2021~~ Edition, hereby adopted and incorporated by reference and available from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800)344-3555, or at the publisher's website at www.nfpa.org/. Copyright protection documents are available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C.

Rulemaking 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, 1-11-17, 7-9-19, 6-25-23,_____.

62-761.350 Operator Training and Certification.

(1) Owners or operators shall identify and designate for each in-service underground storage tank system facility, including unmanned facilities, at least one named individual for each class of operator – Class A, Class B, and Class C. All individuals designated as a Class A, B or C operator shall, at a minimum, be trained and certified in accordance with this rule. For the purposes of this rule, the terms "Class A Operator," "Class B Operator," or "Class C Operator" are terms specific to the training requirements of this rule ~~subsection 62-761.350(2), F.A.C~~.

(a) Owners and operators may designate different individuals for each class of operator, or one individual for more than one of the operator classes.

(b) Any individual designated for more than one operator class shall be trained and certified for each operator class, except that training and certification as a Class B operator also entitles that individual to certification as a Class A operator.

(c) An individual may be designated as a Class A operator for one or more facilities. An individual may be designated as a Class B operator for one or more, but not to exceed 50 facilities. An individual Class C operator must be specifically trained for each facility.

(d) During hours of operation, facilities must have at least one certified operator (either a Class A, Class B, or Class C operator) present at the facility, except when a facility is unmanned. A facility is considered unmanned when during the normal course of business, and after hours of operation, there is routinely no Class A, B, or C operator present at the facility who could respond to alarms or emergencies related to the storage tank systems. (Examples of unmanned facilities include, but are not limited to, card lock or card access fueling stations, telecommunication towers or utility transfer stations serviced by emergency generator storage tank systems, and unattended storage tank systems located at industrial facilities.) Unmanned facilities must have weather resistant signage clearly visible from any dispenser which instructs users with regard to basic safety procedures, provides the customer with a 24-hour telephone number to contact a Class A, B, or C operator for the facility and provides instruction on contacting local emergency responders.

(2) The three classes of operators are identified as follows.

(a) Class A Operator.

1. Functions. A Class A operator of an underground storage tank system facility is an individual who typically has primary responsibility for ensuring the proper operation and maintenance of the storage tank systems, particularly in the capacity of managing resources and personnel necessary to achieve and maintain compliance with all storage tank system regulations.

2. Qualifications and Training. Class A operators must be trained in and have a general knowledge of the requirements of applicable storage tank system regulations, including, but not limited to registration, system components, product compatibility, spill containment and overfill protection, corrosion protection, release detection, recordkeeping, notification, release reporting and response, out-of-service status, permanent closure, operator training, and financial responsibility.

(b) Class B Operator.

1. Functions. A Class B operator of an underground storage tank system facility is an individual who ensures the implementation of all applicable requirements of these regulations in the field and implements the day-to-day aspects of the operation and maintenance of, and recordkeeping for, storage tank systems.

2. Qualifications and Training. Class B operators must be trained in and have detailed knowledge of the requirements of applicable storage tank system regulations, including, but not limited to registration, system components, product compatibility, spill containment and overfill protection, corrosion protection, release detection, recordkeeping, notification, release reporting and response, out-of-service status, permanent closure, operator training, and financial responsibility. A facility owner or operator may designate as its Class B operator a third party (i.e., an individual who is an independent contractor or consultant and is not affiliated with the facility owner or operator) only if that individual also holds a current "B" or "A/B" license and who either is, or is employed by, a licensed Certified Contractor. However, designation of an independent or not affiliated Class B operator in this manner does not also entitle that individual to certification as a Class A operator for a facility.

(c) Class C Operator.

1. Function. A Class C operator of an underground storage tank system, facility is an individual designated by the facility owner, storage tank system owner, or operator who typically controls the dispensing of fuel at the facility and is responsible for initial response to alarms, releases, spills, overfills, or threats to the public or to the environment.

2. Training. Class C operators must be trained in both general and facility-specific emergency response procedures, such as: the operation of emergency shut-off equipment; the initial response procedures following system alarm warnings; the appropriate first response actions to releases, spills, or overfills; and the notification procedures to emergency responders and to the designated Class A and Class B operators of a facility.

(3) Training.

Operator training must fulfill the training requirements described for each class of operator. The following is a list of acceptable approaches to meet the operator training requirements.

(a) Acceptable Training for Class A and Class B Operators.

Class A and Class B operators must complete a Department approved operator training course which provides the information required by subparagraphs 62-761.350(2)(a)2. and 62-761.350(2)(b)2., F.A.C., respectively, and subparagraph 62-761.350(2)(c)2., F.A.C. Courses or processes may include in-person or online training performed by, contracted for, or approved by the Department, and must include an evaluation of operator knowledge through testing or practical demonstration. All providers of operator training courses or processes will also be required to provide training documentation by providing certificates of training to certified operators. Those records will be required to be accessible to the Department on an on-going basis. The Department Secretary or designee shall issue an order granting or denying the request for approval of a Class A or Class B operator training course. This order shall be Agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(b) Acceptable Training for Class C Operators.

1. Class B operators must provide training which provides the information required by subparagraph 62-761.350(2)(c)2., F.A.C., or ensure that the facility's Class C operators otherwise complete training in emergency procedures. Class C operator training programs may include in-class, hands-on, on-line, or any other training format deemed acceptable by the Class B operator.

2. Class A and Class B operators must ensure that site-specific emergency response procedures are maintained in an easily accessible location at the facility which is immediately available to the Class C operator, and that site-specific notices that include the location of emergency shut-off devices and appropriate emergency contact telephone numbers are posted in a prominent area at the facility that is easily visible to the Class C operator. For the purposes of this subsection, the phrase "easily accessible location" means located in a place and manner that allows a Class C operator quick and immediate access to site-specific emergency response procedures.

(4) Certification.

Operators are considered certified operators after successfully completing one of the training processes listed in paragraph (a), of this subsection.

(a) Class A and Class B Operators. Training providers must provide verification to all Class A and Class B operators who have successfully completed training, in the form of a written or printable electronic training certificate stating the classification and the date it was obtained. Owners and operators must ensure that training certificates are maintained at each facility for inspection by the county or Department.

(b) Class C Operators. A designated Class B operator for a given facility must provide the facility owner or operator with signed and dated written verification in the form of a list of all Class C operators who have been trained for that facility, which includes the date of that training. Owners and operators must ensure that a current and correct list of trained Class C operators is maintained at each facility or electronically provided by the Class A or B operator for inspection by the county or Department.

(5) Deadlines.

(a) ~~By October 13, 2018,~~ ~~O~~owners or operators of underground storage tank system facilities must have ~~designate~~ at least one Class A, Class B, and Class C operator designated for each facility who has completed an approved operator training course.

(b) ~~By October 13, 2018,~~ Class A or Class B operators shall be designated by a facility owner or operator within 30 calendar days of assuming operation and maintenance responsibilities at the facility.

(c) ~~By October 13, 2018,~~ Class C operators shall be designated by a facility owner or operator, prior to assuming unsupervised responsibility for responding to emergencies at the facility.

(6) Retraining. Class A and Class B operators of a facility receiving a Notice of Violation issued by the Department for significant noncompliance, must complete a retraining class or examination within 30 days of receiving the Notice of Violation from the Department. If a facility is cited and the Department determines that the facility is in significant noncompliance, the designated Class A and B operator(s) for that facility must complete retraining. Class A and B operators are not, however, required to attend such training more than once every 12 months, regardless of the number of their designated facilities found in violation. ~~For the purposes of this rule, "significant noncompliance" is defined as the failure to maintain compliance for one or more of the following: release detection, spill containment/overfill protection, construction, or financial responsibility.~~

(7) Documentation.

Owners and operators of underground storage tank system facilities, except unmanned facilities, must maintain required training certification documentation as described in this rule on-site and must provide it upon request to the county or Department. Documentation may be maintained electronically off-site if that facility has the capability of producing a clear printed copy which can be provided to the Department within 72 hours. Owners and operators of unmanned underground storage tank system facilities must provide documentation as requested by the Department.

(8) Registration of Operator Training Providers.

(a) Owners and Operators must verify that training providers required under Rule 62-761.350, F.A.C., (including training which was previously approved by the Department under the former approval process) have been registered with the Department.

(b) Providers of operator training requesting to be registered with the Department shall submit, in writing or electronic format, documentation that demonstrates the training material meets the requirements contained in this chapter. Operator training content shall provide instruction for the Class A, B or C operator in accordance with Rule 62-761.350, F.A.C. Any approvals or denials received from other states or countries shall be included in the registration request to the Department.

Rulemaking Authority 376.30, 376.303 FS. Law Implemented 376.30, 376.303, 376.315, 403.021, 403.061 FS. History–New 8-7-14, Amended 1-11-17, _____.

62-761.400 Facility Registration.

(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 January 11, 2017,~~ a completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, July 2019, 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 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 http://www.flrules.org/Gateway/reference.asp?No=Ref-10736, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.

(c) A completed Form 62-761.900(5), Underground Storage System Installation and Removal Form for Certified Contractors (Certified Contractors Form), effective date, July 2019, hereby adopted and incorporated by reference, shall be submitted in paper or electronic format to the County no later than 21 days after installation of a storage tank system, storage tank, or integral piping. The Certified Contractors Form can be accessed at ~~To obtain copies of this form see Rule 62-761.900, F.A.C., or~~ http://www.flrules.org/Gateway/reference.asp?No=Ref-10738, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.

(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 or closure pursuant to subparagraph 62-761.800(2)(b)6., F.A.C.

(b) A completed Certified Contractors Form shall be submitted to the county in paper or electronic format no later than 21 days after replacement or removal of a storage tank system, including system components in contact with the soil.

(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 account owner, defined as the party responsible for payment of registration fees at the facility location, 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); and,

(c) The discovery of an unregistered storage tank system.

(4) Registration fees.

(a) Registration fees are due from the account owner for all storage tank systems required to be registered. Registration fees 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 fee of $50.00 per tank 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 by July 1 each year.

(d) For new account owners of currently registered storage tank systems, a fee of $25.00 per tank shall be paid to the Department within 30 days of receipt of an invoice from the Department.

(e) A fee of $25.00 per tank shall be paid to the Department for each tank that is replaced. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(f) Late fees. Any payment made more than 30 days after the date it is due is delinquent and the registrant must pay an additional fee of $20.00 for each tank for which the payment is overdue.

(g) Upon receipt of payment of all applicable initial registration fees and annual renewal fees, each facility shall receive a 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 delinquent registration fees. To access this information go to: https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-761.400(4)(g) ~~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. 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.

(6) Revocation of Registration Placard.

The Department may revoke a registration placard for noncompliance violation(s) for the failure to:

(a) Install, maintain, and operate leak detection equipment pursuant to Rule 62-761.600, F.A.C.;

(b) Meet storage tank system requirements pursuant to Rule 62-761.500, F.A.C.;

(c) Respond to and abate an ongoing discharge, pursuant to Rule 62-761.440, F.A.C., or

(d) Maintain adequate financial responsibility pursuant to Rule 62-761.420, F.A.C.

The Department shall provide written notice to the owner and operator of the underground storage tank system facility 30 business days prior to denying or revoking a registration placard. Owners of facilities shall give written notice to the Department when such deficiencies are corrected, and the county or Department shall re-inspect the facility, or otherwise determine if the deficiencies have been corrected, within two business days of receiving such notice. The Department shall release revoked registration placards within three business days of the re-inspection, or other confirming activity, if all deficiencies have been corrected to the Department's satisfaction. The Department shall establish, maintain, and post on its website a list of previously registered facilities that do not have a valid registration placard. This list will not include previously registered facilities for which all storage tank systems have been closed or removed in accordance with Department rules.

(7) Delivery prohibitions.

(a) No owner, operator, or supplier shall deposit any motor fuels into a storage tank system regulated under this chapter unless that owner or operator has a valid, current registration placard issued by the Department covering that storage tank system. 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.

(b) It is an affirmative defense to the imposition of an administrative penalty for a violation of paragraph (a) of this subsection, that the owner, operator, or supplier delivering a regulated substance into a storage tank system relied on registration information for the storage tank system obtained from the Department's website not more than 30 days before the date of delivery.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.3077, 489.133 FS. History–New 12-10-90, Formerly 17-761.400, Amended 9-30-96, 7-13-98, 6-21-04, 8-7-14, 1-11-17, 7-9-19, 6-25-23,_____.

Editorial Note: Portions of this rule were relocated to Rule 62-761.420, F.A.C., on 1-11-2017.

62-761.405 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 to confirm the date and time of the scheduled activities.

(c) A Closure Integrity Evaluation Report Form for USTs 62-761.900(7), (Closure Integrity Report), effective date, October 2019, hereby adopted and incorporated by reference, as prepared in accordance with paragraph 62-761.800(3)(a), F.A.C., must be provided to the county with the notification of closure or change in service from a regulated substance to a non-regulated substance. The Closure Integrity Report form can be accessed at ~~To obtain copies of this form see Rule 62-761.900, F.A.C., or~~ http://www.flrules.org/Gateway/reference.asp?No=Ref-10739, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-

reference.

(d) Notification shall be received by the county in writing or electronic format at least 30 days prior to switching to a regulated substance containing greater than 10 percent ethanol or greater than 20 percent biodiesel.

(e) Notification shall be received in accordance with this rule, for any repair of the liner for storage tanks retrofitted with field-fabricated internal secondary containment.

(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, MMYYY ~~January 2017~~, hereby adopted and incorporated by reference, within 72 hours of the discovery or before the 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 62-761.430, F.A.C., confirms that a discharge did or did not occur. The INF can be accessed at ~~To obtain copies of the INF Form see rule 62-761.900, F.A.C., or~~ <DOS Link> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-07657~~, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.

(4) Except as provided in subsection 62-761.440(5), F.A.C., 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, June 2023, hereby adopted and incorporated by reference, within 24 hours of the discovery or before the close of the county's next business day unless the discovery is a non-petroleum de minimis discharge referenced in rule 62-780.550, F.A.C., or a petroleum or petroleum product de minimis discharge referenced in subsection 62-780.560(1), F.A.C. A de minimis discharge is exempt from the notification requirements as long as the discharge is removed and properly treated or properly disposed, or otherwise remediated pursuant to the applicable provisions of Chapter 62-780, F.A.C. The Discharge Report Form can be accessed at ~~To obtain copies of the DRF Form see Rule 62-761.900, F.A.C., or~~ http://www.flrules.org/Gateway/reference.asp?No=Ref-15409, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.

(5) Facility owners and operators are advised that notice must be provided through the State Watch Office if the discharge is a reportable pollution release as defined by Section 403.077, F.S.

Rulemaking Authority 376.303 FS. Law Implemented 376.30, 376.303, 403.077 FS. History–New 1-11-17, Amended 10-13-19, 6-25-23,_____.

Editorial Note: Portions of this rule were copied from 62-761.450, Formerly 17-761.450, F.A.C.

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) ~~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 62-761.800(2) and (3), F.A.C., and the Closure Report or the Limited Closure Report Form for USTs 62-761.900(8), effective date, October 2019, hereby adopted and incorporated by reference, is submitted to and approved by the county or the Department. To obtain copies of Form 62-761.900(8), see Rule 62-761.900, F.A.C., or~~ ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-10740~~~~, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.~~ Pursuant to section 376.309(1), F.S., the facility owner is required to establish and maintain evidence of financial responsibility and is 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 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, Financial Responsibility, July 15, 2015, hereby adopted and incorporated by reference and accessible here: Government Printing Office, Code

of Federal Regulations, 732 North Capitol Street, N.W., Washington DC 20401-0001, or https://www.flrules.org/Gateway/reference.asp?No=Ref-15341. However, Department Form 62-761.900(3), Financial Mechanisms for Storage Tanks, June 2023, shall be used in lieu of the United States Environmental Protection Agency's financial wording, and all references to releases shall mean discharges. Form 62-761.900(3) is hereby adopted and incorporated by reference, and available on the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-financial-responsibility or http://www.flrules.org/Gateway/reference.asp?No=Ref-15410.

(4) The appropriate part(s) of Form 62-761.900(3) shall be completed and maintained when demonstrating proof of financial responsibility under this rule, and Form 62-761.900(3) Part P 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 five business days from the receipt of the Department's or county's request. Facility owners are required to maintain evidence of financial responsibility mechanisms in accordance with paragraph 62-761.710(3)(h), F.A.C., and are encouraged to maintain all correspondence associated with coverage and claims.

(5) 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 62-761.800(2) and (3), F.A.C., and the Closure Report or the Limited Closure Report Form for USTs 62-761.900(8), effective date, October 2019, hereby adopted and incorporated by reference, is submitted to and approved by the county or the Department. Form 62-761.900(8), can be accessed at http://www.flrules.org/Gateway/reference.asp?No=Ref-10740, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.

(6)~~(5)~~ Financial requirements for the purpose of this rule, regardless of the date of installation of storage tank systems, shall comply with this rule.

(7)~~(6)~~ Notwithstanding the facility owner's financial responsibility status, those persons specified in Sections 376.308(1), and 403.141 and 403.161, F.S., shall be liable for any discharge at the facility.

(8)~~(7)~~ Financial responsibility mechanisms may not include choice of law and venue in favor of jurisdictions other than Florida.

(9)~~(8)~~ Government-owned facilities demonstrating proof of financial responsibility using a financial test or government fund must prepare the relevant parts of Form 62-761.900(3), within 180 days after the close of each succeeding fiscal year.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.308, 376.309, 403.091, 403.141, 403.161 FS. History–New 1-11-17, Amended 10-13-19, 6-25-23,_____.

Editorial Note: Portions of this rule were copied from Rule 62-761.400, F.A.C., on 1-11-2017.

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 observation of regulated substances in a piping or dispenser sump,

2. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained, or that liquid has been detected by a sensor in a normally dry interstice or a dispenser, piping or containment sump,

3. Any visual observation that indicates that liquid monitoring levels are not being maintained,

4. 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,

5. Any visual inspection that indicates the presence of groundwater or surface water, other than condensate, or regulated substances in the interstice,

6. Any instance where a mechanical line leak detector is restricting flow,

7. Any instance where an electronic line leak detector has shut off power to the pump,

8. Any instance where a monitoring device has shut off the pump,

9. Liquid in excess of one inch in an out-of-service storage tank; and,

10. 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 corrosion, structural damage, leakage, or other similar problems ~~programs~~.

(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 groundwater or surface 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 or in the surrounding area from which it could be reasonably concluded that a release or discharge may have occurred;

(e) The loss of a regulated substance from a storage tank system exceeding 100 gallons on impermeable ~~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 permeable ~~pervious~~ surfaces; and,

(f) A failed Closure Integrity Evaluation.

(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 of the discovery or before the close of the county's next business day in accordance with subsection 62-761.405(3), F.A.C. 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 prior written approval of the Department or county.

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

(6) The removal of any release of regulated substance into secondary containment shall be initiated within three 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 in writing or electronic format 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, as identified in subsection 62-761.430(1), F.A.C., 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.

(9) A storage tank system that requires repair, in accordance with Rule 62-761.700, F.A.C., but cannot be repaired within 90 days to operate in accordance with the requirements of this chapter shall be taken out-of-service in accordance with Rule 62-761.800, F.A.C. If the system cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed pursuant to Rule 62-761.800, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 1-11-17, Amended 7-9-19, ____.

Editorial Note: Portions of this rule were copied from Rule 62-761.820, Formerly 17-761.820, F.A.C.

62-761.440 Discharges. (*No change*)

(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., 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 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, except as provided in subsection 62-761.440(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 subsection 62-780.560(1), F.A.C., or

(c) For non-petroleum de minimis discharges in accordance with Rule 62-780.550, F.A.C.

(6) Discharge response. When evidence of a discharge from a storage tank system is discovered, the following actions shall be taken:

(a) Fire, explosion, and vapor hazards shall be identified and mitigated;

(b) 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.;

(c) Each component of the storage tank system shall be integrity tested within three days of discovery of the discharge if the source or cause of the discharge is unknown unless the storage tank system has been properly placed out-of-service in accordance with subsection 62-761.800(1), F.A.C.;

(d) 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 determining that the component is discharging, the storage tank system shall not operate, dispense, nor 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;

(e) 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.;

(f) 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,

(g) 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 62-761.800, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 1-11-17.
Editorial Note: Portions of this rule were copied from Rule 62-761.820, Formerly 17-761.820, F.A.C.

62-761.500 Storage Tank System 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. For contacts and information regarding wellhead protection in the Department's Source and Drinking Water Program, go to https://floridadep.gov/water/source-drinking-water.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substance being stored in the storage tank system and able to withstand deterioration from external environmental conditions,

b. Non-corrosive or of corrosion-protected materials or technologies; 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. If factory-made single-walled spill containment systems or single-walled sumps are installed on the system, a containment integrity test shall be performed before the component is placed into service in accordance with the manufacturer's testing requirements. For system components without manufacturer containment integrity testing specifications, PEI/RP1200-24, 2024 ~~PEI/RP1200-19, 2019~~ Edition shall be used. PEI/RP1200-24 ~~PEI RP1200-19~~ is the *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities,* hereby adopted and incorporated by reference and, as a copyright protected document, is available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or the publisher's website at www.pei.org/. For field-fabricated components the tests shall be at least for 24 hours in accordance with manufacturer's requirements.

5. An interstitial integrity test shall be performed on the storage tank after it is delivered and installed at the facility and before the storage tank is placed into service. This test shall be performed in accordance with manufacturer's requirements. For storage tanks without manufacturer's interstitial integrity testing specifications, PEI/RP100-22, 2022 ~~PEI/RP100-20 2020~~ Edition shall be used. PEI/RP100-22, 2022 ~~PEI/RP100-20~~ is hereby adopted and incorporated by reference and, as a copyright protected document, is available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918)494-9696, or the publisher's website at www.pei.org/: *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-22, 2022 ~~PEI/RP100-20, 2020~~ Edition; and PEI/RP1200-24, 2024 ~~PEI/RP1200-19, 2019~~ Edition.

6. An interstitial integrity test shall be performed on integral piping in accordance with PEI/RP100-22, 2022 ~~PEI/RP100-20, 2020~~ Edition, and PEI/RP1200-24, 2024 ~~PEI/RP1200-19, 2019~~ Edition, before the integral piping is placed into service.

7. If double-walled spill containment systems or double-walled sumps are installed on the system, an interstitial integrity test shall be performed in accordance with the manufacturer's testing requirements. For system components

without manufacturer interstitial integrity testing specifications, PEI/RP1200-24, 2024 ~~PEI/RP1200-19, 2019~~ Edition shall be used before the component is placed into service.

8. Any ancillary equipment necessary to carry out the required testing of a storage tank system component shall be installed and present to ensure proper testing per the manufacterer's specifications. If there are no manufacturer instructions, PEI/RP1200-24, 2024 Edition, incorporated by reference in subparagraph 62-761.500(1)(b)5., F.A.C., shall be used.

9. Any storage tank retrofitted with field-fabricated internal secondary containment may be lined only once to meet the secondary containment requirements; it may not be relined.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with AMPP, previously known as NACE standards contained in paragraph 62-761.210(2)(c) ~~62-761.210(2)(f)~~, F.A.C. 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 62-761.700(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 field-fabricated primary storage tank that has been installed within a former single-walled storage tank as a means to upgrade to secondary containment. However, the former single-walled storage tank, which has now become the secondary containment must be protected from corrosion.

5. Supplemental anodes that are added to a sti-P3® tank ~~after, January 11, 2017,~~ shall be installed in accordance with the following document, regardless of the date of installation of the storage tank system or storage tank system component: *Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs*, STI R972, Revised December 2010, hereby adopted and incorporated by reference, and available from the publisher at STI, 944 Donata Court, Lake Zurich, Illinois 60047, (847)438-8265, or from the publisher's website at https://www.steeltank.com/, or the Department of Environmental Protection or Department of State address located in subsection 62-761.210(1), F.A.C.

(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. Storage tank systems and system components containing ethanol blends greater than 10 percent or biodiesel blends greater than 20 percent must demonstrate compatibility through registration of the storage tank system and system components in accordance with subsection 62-761.850(2), F.A.C.

(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 reference guidelines, hereby adopted and incorporated by reference and, as copyright protected documents, are available for inspection at the Department of Environment Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C.:

1. *Installation of Underground Petroleum Storage Systems*, API Recommended Practice 1615, (R.2020), 6th Edition, April 2011. To obtain this reference from the publisher, see paragraph 62-761.210(2)(b), F.A.C.;

2. *Flammable and Combustible Liquids Code*, ~~*Storage of Liquids in Tanks – Underground Tanks*, Chapter 23 of~~ NFPA 30, 2024 ~~2021~~ Edition, incorporated by reference in paragraph 62-761.300(2)(v), F.A.C. To obtain this reference from the publisher, see paragraph 62-761.210(2)(g), F.A.C.;

3. *Code for Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2024 ~~2021~~ Edition. To obtain

this reference from the publisher, see paragraph 62-761.210(2)(g), F.A.C.;

4. *Process Piping,* ASME B31.3, 2024 ~~2020~~ Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(d) ~~62-761.210(2)(c)~~, F.A.C.; and

5. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-22, 2022 ~~PEI/RP100-20, 2020~~ Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(j), F.A.C.

(g) Storage tanks with field-fabricated internal secondary containment shall be installed in accordance with the following manufacturer's specifications, hereby adopted and incorporated by reference and, as copyright protected documents, are available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C.:

1. *Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems*, UL 1856, June 2020, 2nd Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(m), F.A.C.; and,

2. *NLPA Standard 631, Chapters A and B*, 1991. To obtain this reference from the publisher, see paragraph 62-761.210(2)(i), F.A.C.

(h) If the installation of the storage tank system component disturbs the backfill, or where the integral piping is connected or disconnected during installation, 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 dispensers.

(i) Whenever storage tanks or integral piping are installed or relocated after January 11, 2017, a survey drawing of installed tanks and 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 62-761.710, F.A.C. The survey drawing of the work completed, along with any changes made to the original specifications during the construction process, shall include all construction and equipment design specifications including exact dimensions, geometry and locations of the storage tanks or integral piping installed. Surveys are not required for tanks that are retrofitted with internal secondary containment.

(2) Storage tank installation.

(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: *Standard for Fibre Reinforced Underground Tanks for Flammable and Combustible Liquids (formerly Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures)*, UL/ULC 1316, January 1994, Revised May 2024 ~~November 2018~~, 3rd Edition, available from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or from the publisher's website at www.ul.com/, or the Department address listed in subsection 62-761.210(1), F.A.C.; or these tanks shall be 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.

(c) Cathodically protected double-walled steel tanks shall be registered in accordance with subsection 62-761.850(2), F.A.C., and shall be:

1. Constructed in accordance with the following documents: *Steel Underground Tanks for Flammable and Combustible Liquids*, UL 58, July 1998, Revised January 2018, 10th Edition, and *External Corrosion Protection Systems for Steel Underground Storage Tanks*, UL 1746, January 2007, Revised December 2014, 3rd Edition, hereby adopted and incorporated by reference, and are available from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or from the publisher's website at www.ul.com/, or the Department address listed in subsection 62-761.210(1), F.A.C.;

2. Constructed in accordance with the following document: *sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks*, sti-P3®, Revised July 2019 ~~May 2018~~, Steel Tank Institute (STI), hereby adopted and incorporated by reference, and is available from the publisher at STI, 944 Donata Court, Lake Zurich, Illinois 60047, (847)438-8265, or from the publisher's website at https://www.steeltank.com/, or the Department of Environmental Protection or Department of State address listed in subsection 62-761.210(1),

F.A.C.;

3. Constructed in accordance with reference document STI R972, Revised December 2010, incorporated by reference in subparagraph 62-761.500(1)(c)5., F.A.C., or

4. 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: *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2021, 2021 Edition, hereby adopted and incorporated by reference, and is available from the publisher at AMPP (The Association for Materials Protection and Performance, formerly NACE International), AMPP, 15835 Park Ten Place, Houston, Texas 77084, (800)797-6223, or the publisher's website at https://www.ampp.org/home. Copyright protected documents are available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C.

(d) Double-walled steel tanks coated with fiberglass reinforced plastic shall be constructed in accordance with UL 58, July 1998, Revised January 2018, UL 1746, January 2007, Revised December 2014, and *Specification for External Corrosion Protection of FRP Composite Steel USTs – ACT-100®*, STI F894, Revised July 2019 ~~May 2018~~, or these tanks shall be 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. STI F894, Revised July 2019 ~~May 2018~~, is hereby adopted and incorporated by reference, and available from the publisher at STI, 944 Donata Court, Lake Zurich, Illinois 60047, (847)438-8265, or from the publisher's website at https://www.steeltank.com/, or the Department of Environmental Protection or Department of State address listed in subsection 62-761.210(1), F.A.C.

(e) Jacketed steel tanks shall be constructed in accordance with UL 1746, January 2007, Revised December 2014, 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.

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

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

(h) 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 subsection, or

2. Be recertified by a professional engineer licensed in the state of Florida that the storage tank meets all applicable requirements of this subsection; and,

3. Show proof of recertification which 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, with the exception of vertical fill piping.

(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.

(c) All integral piping that is not in contact with the soil shall meet the construction requirements in subparagraphs 62-761.500(3)(d)2. through 5., 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 *Nonmetallic Underground Piping for Flammable Liquids*, UL 971, May 2021, 2nd Edition, or shall be 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. UL 971, May 2021,

2nd Edition, is hereby adopted and incorporated by reference, and is available from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847)272-8800, or from the publisher's website at www.ul.com/. Copyright protected documents are available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C.

2. Coated steel double-walled integral piping shall be constructed in accordance with ASME B31.3, 2024 ~~2020~~ Edition, incorporated by reference in subparagraph 62-761.500(1)(f)4., F.A.C. 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, (R2010) 3rd Edition, May 1996, hereby adopted and incorporated by reference and, as a copyright protected document, is available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202)682-8000, or the publisher's website at http://www.api.org/; *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2024 ~~SP0169-2013~~ (formerly RP0169), 2024 ~~2013~~ Edition, hereby adopted and incorporated by reference and, as a copyright protected document, is available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or the publisher at AMPP (The Association for Materials Protection and Performance, formerly NACE International), AMPP, 15835 Park Ten Place, Houston, Texas, (800)797-6223, or the publisher's website at https://www.ampp.org/home; 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, as a copyright protected document, is available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or the publisher at Steel Tank Institute (STI), 944 Donata Court, Lake Zurich, Illinois 60047, (847)438-8265, or from the publisher's website at https://www.steeltank.com/.

3. Metallic double-walled integral piping constructed of nonferrous materials, such as copper, does not require cathodic protection and shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, 2024 ~~2021~~ Edition, *Flammable and Combustible Liquids Code*, *Piping Systems,* incorporated by reference in paragraph 62-761.300(2)(v), F.A.C.

4. Metallic single-walled vertical fill piping does not require cathodic protection and shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, 2024 ~~2021~~ Edition, *Flammable and Combustible Liquids Code*, *Piping Systems,* incorporated by reference in paragraph 62-761.300(2)(v), F.A.C.

5. 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, 2024 ~~2021~~ Edition, *Code for Motor Fuel Dispensing Facilities and Repair Garages*, *Requirements for Dispensing Devices*, incorporated by reference in subparagraph 62-761.500(1)(f)3., F.A.C. 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/RP1200-24, 2024 ~~PEI/RP1200-19, 2019~~ Edition, incorporated by reference in subparagraph 62-761.500(1)(b)4., F.A.C., at the time of installation and after subsequent repairs by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored. All shear valves installed on a storage tank system shall be tested for operability annually in accordance with the manufacturer's instructions or Section 10 of PEI/RP1200-24, 2024 Edition, Shear Valve Inspection and Testing (incorporated by reference in subparagraph 62-761.500(1)(b)4., F.A.C.). An annual operability test will be deemed timely if performed within the same calendar month in which the test is due and records of the testing results shall be kept and made available for inspection by the Department or county in accordance with Rule 62-761.710, F.A.C.

(g) All storage tank systems located at an elevation that produces a gravity head 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, 2024 ~~2021~~ Edition, *Flammable and Combustible Liquids Code*, *Tank Openings Other Than Vents*, incorporated by reference in paragraph 62-761.300(2)(v), F.A.C., and located as close as practical to the storage tank, regardless of the date of installation of the storage tank system. In addition, anti-siphon valves shall be installed and maintained in accordance with Section 11.2 of NFPA 30A, 2024 ~~2021~~ Edition, *Code for Motor Fuel Dispensing Facilities and Repair Garages*, *Marine Fueling – Storage*, regardless of the date of installation of the storage tank system. NFPA 30A, 2024 ~~2021~~ Edition, is incorporated by reference in subparagraph 62-761.500(1)(f)3., F.A.C.

(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 subsection 62-761.850(2), F.A.C.

(i) Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-761.850(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional.

(j) Bulk product piping, on-site integral piping with an internal diameter greater than three inches utilized for transporting regulated substances, associated with underground storage tank systems shall meet the bulk product piping requirements in Chapter 62-762, F.A.C., Aboveground Storage Tank Systems, pursuant to subsection 62-762.502(4), F.A.C., hereby adopted and incorporated by reference.

(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.

1. Effective June 25, 2024, regardless of the date of installation of the storage tank system, fillbox covers shall be marked or the fill connection tagged, and facility signage shall be prominently displayed in accordance with the following document, hereby adopted and incorporated by reference: ~~*Using the*~~ *API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals*, API Recommended Practice 1637, 5th ~~4th~~ Edition, August 2025 ~~April 2020~~. API 1637 is copyright protected and available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or the American Petroleum Institute information provided in paragraph 62-761.210(2)(b), F.A.C.

2. For aviation facilities, regardless of the date of installation of the storage tank system, fillbox covers shall be marked or the fill connection tagged, and facility signage shall be prominently displayed in accordance with the following document, hereby adopted and incorporated by reference *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012. EI 1542 is copyright protected and available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or the Energy Institute information provided in paragraph 62-761.210(2)(e) ~~62-761.210(2)(d)~~, F.A.C.

3. An equivalent method may also be approved by the Department using an alternative procedure in accordance with subsection 62-761.850(1), F.A.C.

(c) Single-walled spill containment systems shall be installed to allow for release detection in accordance with Rule 62-761.600, F.A.C.

(d) Double-walled spill containment systems shall be installed to allow for interstitial monitoring in accordance with Rule 62-761.600, F.A.C.

(5) Dispensers and dispenser sumps.

(a) The dispensers 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, 2024 ~~2021~~ Edition, incorporated by reference in paragraph 62-761.300(2)(v), F.A.C., and Chapter 6, *Fuel Dispensing Systems*; Chapter 9, *Operational Requirements*; and Chapter 11, *Code for Motor Fuel Dispensing Facilities and Repair Garages*, *Marine Fueling* of

NFPA 30A, 2024 ~~2021~~ Edition.

(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, and no storage tank shall be filled beyond 95 percent capacity.

(b) Storage tank systems shall be equipped with an overfill device that meets one of the following:

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

2. Restricts flow to the storage tank when the storage tank is no more than 90 percent full and does not fill the storage tank beyond 95 percent capacity. Flow restrictors, such as ball float valves, used in vent lines may not be used when overfill protection is installed or replaced after January 11, 2017. Flow restrictors installed before January 11, 2017, may only be used if the storage tank system meets the requirements of Section 7 of PEI/RP100-22, 2022 ~~PEI/RP100-20, 2020~~ Edition, *Recommended Practices for Installation of Underground Liquid Storage Systems*, *UST Overfill Equipment Verification, Inspection and Testing* incorporated by reference in subparagraph 62-761.500(1)(b)5., F.A.C.; or,

3. Alerts the transfer operator when the tank is no more than 90 percent full by triggering an alarm that is visible, audible, or both, and the transfer operator is to ensure the tank is not filled beyond 95 percent capacity.

(c) Effective October 13, 2019, owners and operators shall:

1. Designate a primary overfill protection device used to meet the requirements in paragraph 62-761.500(7)(b), F.A.C., and any additional overfill devices shall not interfere with the designated primary device; and,

2. Ensure all ~~the designated primary~~ overfill protection devices installed on a storage tank system are ~~device is~~ registered in accordance with subsection 62-761.850(2), F.A.C., ~~pursuant to~~ Rregistration of Sstorage Ttank Ssystem Eequipment and Rrelease Ddetection Ssystems and Mmethods, within 180 days of the effective date of this rule ~~subsection 62-761.850(2), F.A.C~~.

(d) All overfill protection devices shall be tested for operability at installation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-761.710, F.A.C.

(e) An annual operability test shall be performed on the designated primary overfill protection device used to meet the Department's overfill protection requirement at intervals not exceeding 12 months to ensure proper operation and test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-761.710, F.A.C. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due.

(f) Storage tank systems with capacities of 2,000 gallons or less that do not receive delivery by a mated (joined) tight fill adaptor connection of the delivery hose to the tank riser may use calibrated stick measurements for overfill protection, and are not required to be equipped with one of the devices specified in paragraph 62-761.500(7)(b), F.A.C., provided that an inches to gallons tank chart is posted at the tank fill area or readily available to the delivery driver. Such tanks shall not be filled beyond 95 percent capacity.

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

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 489.133 FS. History–New 12-10-90, Amended 5-4-92, Formerly 17-761.500, Amended 9-30-96, 7-13-98, 6-21-04, 1-11-17, 10-13-19, 6-25-23,_____.

62-761.600 Release Detection Requirements.

(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) For any storage tank system without a method, or combination of methods, of release detection in accordance with this rule, the owner or operator shall immediately provide a method of release detection, or shall immediately empty and place the storage tank system out-of-service, or close the storage tank 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 which shall be conducted in accordance with this rule. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, and 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 inspected and tested for proper operation ~~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 62-761.710, F.A.C. Any visual inspection of a storage tank system that reveals uncontrolled pitting 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. Repairs shall be made in accordance with Rule 62-761.700, F.A.C. The positive response shall be reported and investigated as an incident pursuant to Rule 62-761.430, F.A.C., if it is determined that a release has occurred. 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 62-761.700(3), F.A.C.; and,

2. Registered in accordance with subsection 62-761.850(2), F.A.C., except 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 (including alarm activation date and discovery date), sensor status, and testing results related to potential releases shall be printed from any electronic release detection device and kept, or be provided to the county or Department upon request through electronic documentation. 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 that store fuel solely for use by emergency power generators installed prior to January 11, 2017, must meet the release detection requirements of Rule 62-761.600, F.A.C., on or before October 13, 2018. Storage tank systems that store fuel solely for use by emergency power generators installed after January 11, 2017, must meet the release detection requirements of Rule 62-761.600, F.A.C., at installation.

(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 cannot 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 cannot 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 cannot 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, other than condensate, 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. 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.

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. 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 62-761.850(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.

b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation, hereby adopted and incorporated by reference. Information is available at National Institute of Standards and Technology, 100 Bureau Drive, Stop 1070, Gaithersburg, Maryland 20899-1070, (301)975-6478, or the organization's website at http://www.nist.gov/index.html. This reference guideline is located in paragraph 62-761.210(2)(h), F.A.C.

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 groundwater or surface water, other than condensate, 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 62-761.430, F.A.C.

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 unexplained 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 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 gallons per hour (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 pounds per square inch (psi) and restrict flow within one hour.

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 alert the operator by resticting or shutting off the flow of regulated substances through piping when a leak is detected. 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.

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.

4. For emergency generator storage tank systems that are monitored 24-hours per day, if the release detection system detects leaks of 3.0 gph at 10 psi line pressure within one hour, an audible or visual alarm will be triggered to alert the on-site operator.

(4) A positive response is defined as any instance where the release detection system has shut off power to the pump, or restricted the flow, or triggered an audible or visual alarm for pressurized integral piping in contact with the soil. 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.

(5) Annual operability testing of release detection systems. All release detection devices installed on a storage tank system shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition, or 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. 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. An annual operability test will be deemed timely if performed within the same calendar month in which the test is due.

(6) Operability test results shall be maintained and available for inspection by the Department or county in accordance with Rule 62-761.710, F.A.C

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.600, Amended 7-13-98, 6-21-04, 1-11-17, 6-25-23,_____.

62-761.700 Repairs, Operation and Maintenance.

(1) Repairs.

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

1. A release or discharge or contributed to a release or discharge of a regulated substance, or

2. An operational or structural problem that could potentially result in a release or discharge, or lead to the presence of groundwater or surface water in the interstice of a double-walled storage tank or integral piping.

(b) 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 Section 366.02 ~~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; and,

3. The condition of the system component results in an on-going discharge, pursuant to Rule 62-761.440 ~~62-761.400~~, F.A.C.

(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 guidelines.

(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 components shall be integrity tested for liquid tightness before being placed back into operation.

(e) A storage tank system that requires repair but cannot be repaired within 90 days to operate in accordance with the requirements of this chapter shall be taken out-of-service in accordance with subsection 62-761.800(1), F.A.C. If the system cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed pursuant to subsection 62-761.800(2), F.A.C.

(f) Only small patch repairs are allowed for storage tanks retrofitted with field-fabricated internal secondary containment and the county or Department must be notified in accordance with paragraph 62-761.405(2)(e), F.A.C. For the purposes of this rule, "small patch" is limited to a total area of 144 square inches or less with no more than two small patch repairs per tank over the life of the liner. Should the field-fabricated internal secondary liner fail integrity testing at any time after the repair is completed, the storage tank system must be closed pursuant to subsection 62-761.800(2), F.A.C.

(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 or within metallic 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 AMPP, formerly NACE International Standards SP0169-2024 ~~SP0169-2013~~, incorporated by reference in subparagraph 62-761.500(3)(d)2., F.A.C., and SP0285-2021, incorporated by reference in subparagraph 62-761.500(2)(c)4., F.A.C.; or STI R051-17 *Cathodic Protection Testing Procedures for sti-P3® UST's,* (R051), Revised April 2017, as applicable, regardless of the date of installation of the storage tank system. The inspection, testing, and evaluation under the direction of the Corrosion Professional will be deemed timely if performed within the same calendar month in which the test is due. 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. STI R051-17, Revised April 2017, is hereby adopted and incorporated by reference, and available from the publisher Steel Tank Institute (STI) publisher at STI, 944 Donata Court, Lake Zurich, Illinois 60047, (847)438-8265, or from the publisher's website at https://www.steeltank.com/. The copyright protected documents in this subparagraph are available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C. ~~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 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 1,440 hours in one year shall be immediately taken out-of-service and 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 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 62-761.710(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 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, 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. For storage tank systems or system components without manufacturer integrity or containment testing specifications, PEI/RP1200-24, 2024 ~~PEI/RP1200-19, 2019~~ Edition, incorporated by reference in subparagraph 62-761.500(1)(b)5., F.A.C., shall be used. 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 piping shall be tested at the time of installation and at the time of any subsequent repair in accordance with PEI/RP100-22, 2022 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)10., F.A.C.,

b. Piping sumps shall be tested at the time of installation or repair ~~by October 13, 2018~~, and every three years thereafter, not to exceed 36 months,

c. Dispenser sumps shall be tested at the time of installation or repair ~~by October 13, 2018~~, and every three years thereafter, ~~-~~not to exceed 36 months,

d. Piping and dispenser sumps over the surface waters of the state shall be tested at the time of installation or repair ~~within one year of July 9, 2019~~, and every three years thereafter, not to exceed 36 months,

e. Double-walled spill containment systems shall be tested at the time of installation or repair ~~by October 13, 2018~~, and every three years thereafter, ~~-~~not to exceed 36 months,

f. All single-walled spill containment systems shall be tested at the time of installation or repair, and at intervals not exceeding every 12 months and will be deemed timely if performed within the same calendar month in which the test is due; and,

g. Single-walled storage tanks or integral piping installed within liners are exempt from this requirement.

2. 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 and regulated substance removal.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water or regulated substance removal. Water that has reached a regulated piping penetration in a sump or is in excess of one inch in depth measured from the lowest monitoring point in the secondary containment system, 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.

(c) When a storage tank system is registered out-of-service, the system shall continue to be maintained in accordance with subsection 62-761.800(1), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091, 489.133 FS. History–New 3-12-91, Formerly 17-761.700, Amended 9-30-96, 7-13-98, 6-21-04, 1-11-17, 7-9-19, 6-25-23,_____.

62-761.710 Recordkeeping.

(1) All records, whether in paper or electronic format, shall be dated 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 days of receipt of the Department's or county's request. 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 (3) years:

(a) Repair, operation, and maintenance records;

(b) All release detection results, including a record or summary of the alarm history, sensor status, and testing results for electronic systems, performed in accordance with Rule 62-761.600 ~~paragraph 62-761.600(1)(c)~~, F.A.C.;

(c) All test data and results gathered during operability and integrity testing; and,
(d) Records of the types of fuels stored per tank.
(3) Records of the following shall be maintained until storage tank system closure:
(a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment;
(b) Records of storage tank system installations, replacements, recertifications, and upgrades;
(c) Records of installation, maintenance, inspections, and testing of cathodic protection systems in accordance with NACE and STI standards;
(d) Survey drawings as specified in paragraph 62-761.500(1)(i), F.A.C.;
(e) A copy of all INFs, and the results of all incident investigations as specified in Rule 62-761.430, F.A.C.;
(f) A copy of all DRFs;
(g) A copy of all documents required in Rule 62-761.800, F.A.C., if the location continues as a facility;
(h) 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; and,
(i) Records documenting compliance with compatibility of storage tank systems and system components storing regulated substances containing ethanol blends greater than 10 percent and biodiesel blends greater than 20 percent in accordance with paragraphs 62-761.405(2)(d), 62-761.500(1)(d), and 62-761.850(2)(g), F.A.C.
(4) Records of current training certificates for designated Class A, B, and C operators shall be maintained for as long as the operators are designated for that facility.
(5) The Department strongly encourages that all records relating to financial responsibility be maintained permanently.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History–New 12-10-90, Formerly 17-761.710, Amended 9-30-96, 7-13-98, Repromulgated 6-21-04, Amended 1-11-17, 6-25-23,_____.

62-761.800 Out-of-Service and Closure Requirements.
(1) 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 62-761.700(2), F.A.C.,
2. Continue to maintain and demonstrate financial responsibility pursuant to Rule 62-761.420, F.A.C.,
3. Leave vent lines open and functioning,
4. 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,
5. Secure or close off the system to outside access,
6. Register the storage tank system out-of-service in accordance with Rule 62-761.400, F.A.C.; and,
7. Perform a visual inspection annually, not to exceed 12 months of 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 visually inspected. Each annual visual inspection of the storage tank system shall be documented as to its condition pursuant to Rule 62-761.710, F.A.C., and will be deemed timely if performed within the same calendar month in which the visual inspection ~~test~~ is due. Any visual inspection of a storage tank system that reveals uncontrolled pitting 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 62-761.430, F.A.C. If it is determined that a release has occurred while the system is out-of-service; and,
a. The incident investigation reveals a release has led to a discharge while the storage tank system is out-of-service and storing regulated substances at no more than one inch in depth or 0.3 percent by weight of total system

capacity, then the response to the discharge shall be in accordance with paragraphs 62-761.440(6)(a), (b), (e), (f), and (g), F.A.C. Repairs shall be made within 365 days of the discharge discovery in accordance with paragraphs 62-761.700(1)(a), (c), and (d), F.A.C. If the system cannot be repaired within 365 days after the discovery of the discharge, then it shall be permanently closed pursuant to subsection 62-761.800(2), F.A.C.

b. The incident investigation reveals a release has not led to a discharge while the storage tank system is out-of-service, then repairs shall be made in accordance with paragraphs 62-761.700(1)(a), (c), and (d), F.A.C., prior to bringing the storage tank system back into service.

(c) 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, unless the tank system contains no regulated substances. The annual monitoring of the interstice and liquid level ~~test~~ will be deemed timely if performed within the same calendar month in which the monitoring ~~test~~ is due. 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, or 0.3 percent by weight, in the storage tank or any liquid, other than condensate, in the interstice is discovered, facility owners and operators must follow the procedures for incidents pursuant to Rule 62-761.430, F.A.C.

(d) The following inspections and testing requirements are not required while the storage tank system is properly out-of-service:

1. Monthly visual inspections in accordance with paragraph 62-761.600(1)(e), F.A.C.,

2. Semiannual inspections of piping and dispenser sumps that use electronic release detection methods in accordance with paragraph 62-761.600(1)(e), F.A.C.,

3. Monthly inspection of electronic release detection devices in accordance with paragraph 62-761.600(1)(g), F.A.C., and

4. Release detection device annual operability testing, containment and interstitial integrity testing, and annual overfill protection device testing; however, all aforementioned testing shall be current 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 January 11, 2017,~~ that have been out-of-service for more than 365 ~~730~~ days shall perform interstitial integrity testing of the storage tank and integral piping before adding regulated substances to the storage tank system.

(e) Storage tank systems with secondary containment, not requiring repairs pursuant to Rule 62-761.700, F.A.C., 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 subsection 62-761.800(2)(b), F.A.C.

(2) Closure of storage tank systems.

(a) The following storage tank systems must be closed in accordance with the provisions of this subsection:

1. A storage tank system that fails to meet or, if required, is not modified to meet the Storage Tank System Requirements of Rule 62-761.500, F.A.C., within 90 days of discovery.

2. A storage tank system that requires repair pursuant to Rule 62-761.700, F.A.C., but is not repaired within 90 days to operate in accordance with the requirements of this chapter shall be taken out-of-service. If the system is not repaired within 365 days after being taken out-of-service, it shall be permanently closed.

3. A storage tank system where financial responsibility is not maintained and demonstrated, pursuant to Rule 62-761.420, F.A.C., within 90 days of termination of the financial mechanism.

4. A storage tank retrofitted with field-fabricated internal secondary containment that has failed integrity testing or has had two small patch repairs in accordance with paragraph 62-761.700(1)(f), F.A.C., and has failed again.

(b) Closure of storage tank systems shall be performed by:

1. Conducting a Closure Integrity Evaluation as defined in subsection 62-761.200(10), F.A.C., and completing the Closure Integrity Evaluation Report Form for USTs 62-761.900(7) (Closure Integrity Report), incorporated by reference in paragraph 62-761.405(2)(c), F.A.C. The form shall be submitted in writing 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 by a Certified Contractor or disconnecting and capping all integral piping,

4. 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, shall be in accordance with the following copyright protected documents, hereby adopted and incorporated by reference, and available from the addresses provided, regardless of the date of installation of the storage tank system: *Closure of Underground Petroleum Storage Tanks*, API Recommended Practice 1604, 4th Edition, February 2021, available for inspection at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or from the publisher at API, 1220 L Street, N.W. Washington, DC 20005, (202)682-8000, or the publisher's website at http://www.api.org/; and *Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks*, NFPA 30 (Annex C), 2024 ~~2021~~ Edition, available at the Department of Environmental Protection or the Department of State address provided in subsection 62-761.210(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (800)344-3555, or at the publisher's website at www.nfpa.org/. 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 Recommended Practice 1604, 4th Edition, February 2021. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities; and,

5. Properly closing monitoring wells associated with closed systems that are not being used for site assessment purposes.

6. Once a storage tank system has been properly closed pursuant to subsections 62-761.800(2) and (3), F.A.C., and the Closure Report or the Limited Closure Report Form for USTs 62-761.900(8), incorporated by reference in subsection 62-761.420(5) ~~62-761.420(2)~~, F.A.C., has been submitted to and approved by the county or the Department, the facility owner shall update the facility's registration status within 10 days to indicate the storage tank system as closed in accordance with subsection 62-761.400(2), F.A.C.

(3) Closure Integrity Report, Closure Report, and Limited Closure Report Requirements.

(a) Closure Integrity Report.

1. A Closure Integrity Evaluation, as defined in subsection 62-761.200(10), F.A.C., must be performed no more than 45 days prior to closure, replacement, or change in service from a regulated substance to a non-regulated substance 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.

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. For storage tank system components where the interstitial space cannot be visually inspected, other methods approved by the manufacturer, PEI/RP1200-24 ~~PEI RP 1200-17~~, 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 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 subsection 62-761.405(2), F.A.C.

5. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with subsection 62-761.405(3), F.A.C., and the investigation of the incident in accordance with subsection 62-761.430, 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 Sampling During Underground Storage Tank Closure*, MMYYYY ~~July 2019~~ Edition, hereby adopted and incorporated by reference, and available at ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-11121~~, or the Department address given in paragraph 62-761.210(2)(f) ~~62-761.210(1)(e)~~, F.A.C., or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference, regardless of the date of installation of the storage tank system or system component being closed.

6. The owner or operator who does not or elects not to conduct a Closure Integrity Evaluation, in accordance

with paragraph 62-761.800(3)(a), 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 Sampling During Underground Storage Tank Closure*, MMYYYY ~~July 2019~~ Edition.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting Sampling During Underground Storage Tank Closure*, MMYYYY ~~July 2019~~ Edition, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the system or system component closure, replacement, or change in service from a regulated substance to a non-regulated substance. The Closure Report shall be prepared in accordance with *Instructions for Conducting Sampling During Underground Storage Tank Closure*, MMYYYY ~~July 2019~~ Edition.

(c) Limited Closure Report. Form 62-761.900(8), Limited Closure Report Form for USTs, incorporated by reference in subsection 62-761.420(5), F.A.C., shall be submitted in writing or electronic format to the county within 60 days of completion of the closure, replacement, or change in service from a regulated substance to a non-regulated substance in cases where:

1. A Closure Integrity Evaluation passed,

2. A failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur, or

3. A Closure Integrity Evaluation or Closure Report was ~~were~~ not required because the closure only involved storage tank system components that were not in contact with the soil.

The Limited Closure Report Form cannot be used if a facility is in significant noncompliance at the time of closure. A Closure Integrity Report or the Closure Report shall be submitted in accordance with subsection 62-761.800(3)(a) or (3)(b), F.A.C.

Rulemaking 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, 1-11-17, 10-13-19, 6-25-23,_____.

62-761.850 Alternative Procedures and~~,~~ Equipment Registration ~~and Registration of Operator Training Providers.~~

(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 procedures or requirements on Form 62-761.900(4), Alternative Procedure Form, effective date, January 2017, hereby adopted and incorporated by reference. The Alternative Procedure Form can be accessed at ~~To obtain copies of this form see Rule 62-761.900, F.A.C., or~~ http://www.flrules.org/Gateway/reference.asp?No=Ref-07655, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference.

(b) 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 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; 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 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 Procedure Form~~ either:

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 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.

(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.

(b) Any storage tank system equipment installed after January 11, 2017, must be registered with the Department in accordance with this subsection. Upon discovery, non-registered storage tank system equipment installed after January 11, 2017, must be removed within 90 days, unless registration is applied for or 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 January 11, 2017, 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(9), Storage Tank System Equipment Registration Form, (Equipment Registration Form) effective date, MMYYYY ~~July 2019~~, hereby adopted and incorporated by reference. The Equipment Registration Form can be accessed at ~~To obtain copies of this form see Rule 62-761.900, F.A.C., or~~ <DOS Link> ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-10741~~, or the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference. The following storage tank system equipment is exempt from registration:1. Dispensers, dispenser islands, nozzles, and hoses,

2. Manhole and fillbox covers,

3. Valves and ball float valves,

4. Cathodic protection test stations,

5. Integral piping not in contact with soil, unless the integral piping extends over or into surface waters,

6. Metallic bulk product piping

7~~6~~. Vent lines; and,

8~~7~~. Gauges used for vacuum and pressure monitoring.

(e) Equipment registration requests shall be submitted to the Department in writing or electronic format with a demonstration that the equipment will meet the appropriate performance requirements contained in this chapter. Any approvals or denials received from other states or countries shall be included in the registration request to the Department.

(f) 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,

3. A professional certification or determination that the equipment meets the performance requirements

contained in this chapter,

4. Integrity test requirements and procedures,

5. Annual operability testing procedure for the equipment or release detection system or method; and,

6. Copies of the manufacturer's instructions to maintain the manufacturer's warranty.

(g) For storage tank systems or system components that are compatible with ethanol blends greater than 10 percent or biodiesel blends greater than 20 percent, compatibility must be demonstrated to the Department by a third-party in paragraph (f), of this subsection, or manufacturer approval. Manufacturer approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the equipment or system component is compatible with, and be from the equipment or system component manufacturer.

(h) Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection prior to being used.

(i) 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 62-761.850(2)(f), F.A.C.

(j) 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.

~~(3) Registration of Operator Training Providers.~~

~~(a) Owners and Operators must verify that training providers required under Rule 62-761.350, F.A.C., (including training which was previously approved by the Department under the former approval process) have been registered with the Department.~~

~~(b) Training previously approved by the Department can continue to be used by operators up to 180 days after January 11, 2017. During the 180 day period the operator training provider must submit a request to be registered with the Department pursuant to paragraph 62-761.850(3)(c), F.A.C.~~

~~(c) Providers of operator training requesting to be registered with the Department shall submit, in writing or electronic format, documentation that demonstrates the training material meets the requirements contained in this chapter. Operator training content shall provide instruction for the Class A, B or C operator in accordance with Rule 62-761.350, F.A.C. Any approvals or denials received from other states or countries shall be included in the registration request to the Department.~~

Rulemaking 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, 1-11-17, 7-9-19,_____.

62-761.900 Storage Tank Forms.

Storage Tank Forms are listed by form number, subject title, effective date, and include the rule where the form is incorporated by reference. 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 the Department's website at https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-system-rules-forms-and-reference. For electronic submittal of the Storage Tank Facility Registration Form go to the DEP Business Portal at http://www.fldepportal.com/go/submit-registration/~~,~~ and choose Storage Tank Registration ~~Facility~~.

(1) Form 62-761.900(1) Discharge Report Form, June 2023, incorporated by reference in subsection 62-

761.405(4), F.A.C., and referenced in subsection 62-761.200(22), F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15409~~.

(2) Form 62-761.900(2) Storage Tank Facility Registration Form, July 2019, incorporated by reference in paragraph 62-761.400(1)(b), F.A.C., and referenced in subsections 62-761.200(41) ~~62-761.200(40)~~ and (49)~~(48)~~, F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-10736~~.

(3) Form 62-761.900(3) Financial Mechanisms for Storage Tanks, June 2023, incorporated by reference in subsection 62-761.420(3), F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-15410~~.

(4) Form 62-761.900(4) Alternative Procedure Form, January 2017, incorporated by reference in paragraph 62.761.850(1)(a), F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-07655~~.

(5) Form 62-761.900(5) Underground Storage System Installation and Removal Form for Certified Contractors, July 2019, incorporated by reference in paragraph 62-761.400(1)(c), F.A.C., and referenced in subsection 62-761.200(5), F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-10738~~.

(6) Form 62-761.900(6) Incident Notification Form, MM YYYY ~~January 2017~~, incorporated by reference in subsection 62-761.405(3), F.A.C., and referenced in subsection 62-761.200(29), F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-07657~~.

(7) Form 62-761.900(7) Closure Integrity Evaluation Report Form for USTs, October 2019, incorporated by reference in paragraph 62-761.405(2)(c), F.A.C., and referenced in subsection 62-761.200(11), and subparagraph 62-761.800(2)(b)1., F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-10739~~.

(8) Form 62-761.900(8) Limited Closure Report Form for USTs, October 2019, incorporated by reference in subsection 62-761.420(5) ~~62-761.420(2)~~, F.A.C. and referenced in subsection 62-761.200(35), and Rule 62-761.800, F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-10740~~.

(9) Form 62-761.900(9) Storage Tank System Equipment Registration Form, MM YYYY ~~July 2019~~, incorporated by reference in paragraph 62-761.850(2)(d), F.A.C.~~, and is also available online here: http://www.flrules.org/Gateway/reference.asp?No=Ref-10741~~.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History–New 12-10-90, Formerly 17-761.900, Amended 9-30-98, 7-13-98, Repromulgated 6-21-04, Amended 1-11-17, 7-9-19, 6-25-23,_____.