

62-769.800 Abandoned Tank Restoration Program.

(1) ~~To apply to the Abandoned Tank Restoration Program, an Abandoned Tank Restoration Program (ATRP) Application (Form 62-769.800A), effective date, MONTH, YEAR, hereby adopted and incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-12058> and the Abandoned Tank Restoration Program Certification Form (Form 62-769.800B), effective date, MONTH, YEAR, hereby adopted and incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-12059>, are required to be submitted to the Eligibility Coordinator at Florida Department of Environmental Protection, 2600 Blair Stone Road, M.S. 4575, Tallahassee, Florida 32399-2400. Forms may be obtained from the Department's website <https://floridadep.gov/waste/petroleum-restoration/content/abandoned-tank-restoration-program-atrp>, or by writing the Department of Environmental Protection at 2600 Blair Stone Road, Petroleum Restoration Program, M.S. 4575, Tallahassee, Florida, 32399-2400. Purpose. The purpose of the Abandoned Tank Restoration Program is to provide financial assistance to clean up sites with petroleum storage systems that have been abandoned or are no longer in service, and which are not otherwise eligible for cleanup pursuant to Section 376.3071(9) and (12), F.S., the Early Detection Incentive Program, or the Florida Petroleum Liability and Restoration Insurance Program pursuant to Section 376.3072, F.S.~~

(2) ~~Participating sites are subject to the restoration coverage deductible of \$0.00. Definitions. The following words and phrases as used in this section shall have the following meanings:~~

(a) ~~“Abandoned Petroleum Storage System” means any petroleum storage system that no longer stores petroleum products for consumption, use or sale and that is not intended to be returned to service.~~

(b) ~~“Closed or closure” means the removal of the petroleum storage system or filling the petroleum storage system with inert material in accordance with rules relating to stationary tanks adopted pursuant to Section 376.303, F.S., in effect at the time the system was filled or removed.~~

(3) ~~No later than July 1, 2025, the Department shall review and consider modification, amendment, or repeal of this rule in accordance with the procedures set forth in s. 120.54, F.S., if the rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive cost. Eligibility for the Abandoned Tank Restoration Program.~~

(a) ~~To be eligible for the Abandoned Tank Restoration Program, the current owner or operator of a property which contains or contained an abandoned storage system must:~~

- ~~1. Demonstrate that the owner or operator of the petroleum storage system when it was in service decided not to continue in business for consumption, use, or sale of petroleum products at that facility,~~
- ~~2. Have documented contamination from the abandoned petroleum storage system,~~
- ~~3. Have not stored petroleum products for consumption, use or sale at that facility after March 1, 1990,~~
- ~~4. Have properly closed the abandoned petroleum storage system; and,~~
- ~~5. Submit an application to the Department on Forms 62-769.900(3) and (4), F.A.C., which shall be postmarked on or before June 30, 1992.~~

(b) ~~The following shall not be eligible for participation in the Abandoned Tank Restoration Program:~~

- ~~1. Sites eligible for cleanup pursuant to Section 376.3071(9) and (12), F.S., the Early Detection Incentive Program, or the Florida Petroleum Liability and Restoration Insurance Program pursuant to Section 376.3072, F.S.,~~
- ~~2. Sites owned or operated by the Federal Government,~~
- ~~3. Sites with leaking tanks that store pollutants that are not petroleum products as defined in Section 376.301, F.S.,~~
- ~~4. Sites where the Department has been denied access, or~~
- ~~5. Petroleum contamination discovered after the application deadline of June 30, 1992.~~

(4) ~~Restoration Coverage.~~

(a) ~~Sites accepted into the program shall be eligible for reimbursement of cleanup costs as provided in Section 376.3071(12), F.S. Reimbursement shall be made in accordance with the Reimbursement Rule, Chapter 62-773, F.A.C.~~

(b) ~~Eligible responsible persons who provide certification using Form 62-769.900(5), F.A.C., that they qualify as a small business under Section 288.703(1), F.S., or as a corporation not for profit under Chapter 617, F.S., may choose to be incorporated into the state-contracted cleanup prioritization in accordance with the Petroleum Contamination Site Priority Ranking Rule, Chapter 62-771, F.A.C.~~

(c) ~~Eligible responsible persons are subject to the restoration coverage deductible of \$500.00.~~

(d) ~~Restoration coverage is limited to one million dollars.~~

(e) ~~Participation in the Abandoned Tank Restoration Program does not provide the owner or operator with third party liability~~

~~coverage as described in this chapter.~~

Rulemaking Authority 376.303, ~~376.3072~~ FS. Law Implemented 376.305, 376.3071 FS. History—New 2-20-91, Amended 2-22-93, _____, Formerly 17-769.800.