Changes to Chapter 62-762, Florida Administrative Code Aboveground Storage Tank Systems (ASTs)

Effective – 1/11/17
During TAG Meetings, industry requested that the rule be separated into three main areas: shop-fabricated ASTs, field-erected ASTs and mineral acid ASTs.

In response, the rule includes separate shop-fabricated and field-erected sections for:

- Storage tank system requirements
- Release detection requirements
- Repairs, operation and maintenance
- Out-of-service and closure requirements

Mineral acid ASTs continue to be discussed in their own section.
• The rule sections are reorganized a bit with separate sections for:
  • Registration
  • Notification
  • Financial responsibility
  • Incidents
  • Discharges

• The concept of Category A, B and C ASTs has been removed since all ASTs must have met upgrade requirements by January 1, 2010.
The facility shall provide a representative to access storage tank system components for inspection purposes and to demonstrate operational functionality of electronic equipment.
Terms that are defined in the Florida Statutes, such as “Discharge”, “Facility”, “Petroleum”, and “Owner” will no longer be defined in the rule.

There are **24** new definitions and **26** definitions have been removed (including **12** statutory definitions).
• “Closure Integrity Evaluation” is the assessment by a 3rd party of the integrity of a component in contact with the soil that is being closed. There are separate definitions for field-erected and shop fabricated systems.

• “Day tank” is now defined – shop fabricated tank less than or equal to 550 gallons capacity that is connected to a regulated tank. Day tanks are not regulated.
“Docklines” is a newly defined term – pipelines originating at the first shore side valve after the marine transfer area, and terminating at the first valve inside the dike field area. Docklines are not regulated if they are not considered to be “on-site”.

“Hydrant piping” and “Hydrant Sumps” are now defined.
AST Definitions

• “In-service” and “Out-of-service” definitions have been revised in an attempt to simplify things. An AST is in-service until registered as out-of-service. And, there is no longer a definition of “Unmaintained”.

• “Industrial occupancy building” definition has been updated.

• “Mobile tank” definition has been revised to clarify that tanks used on construction sites don’t require periodic movement.
“Integrity test” is a determination of the liquid tightness of a component:

- “Interstitial integrity test” is used to determine if double-walled component is tight.
- “Primary integrity test” is used to determine if the primary wall of the component is tight.
- “Containment integrity test” is used to determine if single-walled component (sump or hydrant pit) is tight.
Definitions

• “Release” definition has been revised. It is no longer a discharge. It is a loss of regulated substance into secondary containment.

• “Residential storage tank system” has been revised in an attempt to make it more clear. Now, it must provide fuel for heating, a/c, or electricity to a residential structure. And, it must provide it to a dwelling used as a common household.

• “Vapor Corrosion Inhibitor” is a new term proposed by industry related to corrosion protection – a chemical substance that volatilizes within a confined space to inhibit corrosion.
The rule update allows for the Department to update such reference guidelines as from the American Petroleum Institute (API), Petroleum Equipment Institute (PEI) and the National Fire Protection Agency (NFPA).
Proposed Changes – Reference Guidelines

Instructions for Conducting Sampling

Recommended Practices for Testing Secondary Containment
Proposed Changes – Applicability

The Department removed the term “de minimus” and replaced it with more specific rule exemptions:

- Storage tanks containing regulated substances of less than 2%, and
- Storage tanks containing biofuels with 5% or less of regulated substances.
Former Requirements

- Notify county at least **30 days** prior to install (verbal or written).
- Confirm with county at least **48 hours** prior to install (verbal or written).
- Register no later than **30 days after** putting substance into new tank.

New Requirements

- Notify county **30-45 days prior** to install (written).
- Confirm with county **48-72 hours prior** to install (written).
- For new facility – register **30 days prior** to install. **7 days prior to adding product** for existing facility.
Former Requirements

• Notify county at least 10 days prior to closure (verbal or written).

• Confirm with county at least 48 hours prior to closure (verbal or written).

• Register no later than 30 days after closure.

• Register no later than 30 days after other changes.

New Requirements

• Notify county 30-45 days prior to closure (written).

• Confirm with county 48-72 hours prior to closure (written).

• Register no later than 10 days after closure.

• Register no later than 10 days after other changes.
• Motor fuel may not be placed into regulated tanks unless there is a valid registration placard displayed at the facility.

• Motor fuel means petroleum products used for the operation of a motor or engine.
Financial responsibility (FR) is the ability to pay for cleanup of a discharge of petroleum or petroleum product and for third-party liability resulting from the discharge.

FR must be maintained until the regulated tank is closed. If it is not maintained, then the AST must be closed.

FR may be demonstrated by owner or operator. The facility owner is liable in event of noncompliance.

FR must be demonstrated in accordance with EPA’s reference guideline, or in accordance with 62-761.900(3).
# Financial Responsibility

**Form 62-761.900(3)**

**Certificate of Insurance**

## STATE OF FLORIDA

**FINANCIAL MECHANISMS FOR STORAGE TANKS to demonstrate financial responsibility**

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* Requires establishment of a Standby Trust Fund Agreement
STATE OF FLORIDA
CERTIFICATION OF FINANCIAL RESPONSIBILITY
Reference 62-345-300.11(2)

Owner or Operator

The person whose signature appears below hereby certifies that the following facility(ies) is (are) in compliance with the requirements of subpart H of 40 CFR part 255 as adopted by Chapter 62-711 and/or 62-762, F.A.C. (except the assurance measures that are facility specific.)

Facility Name: ____________________________

The following financial assurance mechanism(s) is (are) used to demonstrate financial responsibility:

Primary Mechanism: [ ] Direct transfer of funds; [ ] Indirect transfer of funds (e.g., letter of credit)

Name of Issuer: ____________________________

Instrument No.: ____________________________

Period of Coverage: ____________________________

(Signature)

(Dates of coverage)

(Please complete the following only as applicable (Required when bond, letter of credit and guarantees are used):)

Blindly Trust Fund (BETF) Trustee: ____________________________

BETF account number:

Financial Trust fund used for either purpose:

[ ] Bond (bond is not secured by an asset)

[ ] Letter of Credit

Financial Trust fund used for an individual:

Form Part completed

(Date A.M. 1973)

The mechanism(s) demonstrate(s) financial responsibility for [ ] loss of contaminant release and/or [ ] contaminant release for bodily injury and property damage caused by [ ] accidental accidental (vertically) or [ ] accidental (horizontally) or [ ] accidental (vertically and horizontally) for UST and/or AST in the amount of:

Per Occurrence: ____________________________

Annual Aggregate: ____________________________

Signature of Authorized Representative of owner or operator:

Signature of witness or witness:

(Signature of witness or witness)

This certification must be updated whenever the financial assurance mechanism(s) used to demonstrate financial responsibility changes.

Certified: ____________________________

(Date)

(Department of Environmental Protection)

File:

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Incidents

• An incident is a situation indicating that a release or discharge may have occurred.

• The incidents section now includes all the possible positive responses of release detection devices.

• The facility now has 72 hours to report an incident (current rule – 24 hours). *Not required if during this timeframe it is confirmed that a discharge did not occur. Records of findings must be kept for inspection.*

• The facility still has 14 days to investigate, but may be extended, upon approval, to 45 days without having to remove from service.
Discharges

• The owner must report the discovery of a discharge within 24 hours.

• However, if it is thought that the discovery is a previously reported discharge, then the owner has 30 days to investigate and submit supporting documentation.
For new installations:

- A containment integrity test shall be conducted for factory-made spill buckets and single-walled sumps.
- An interstitial integrity test shall be conducted for double-walled or double-bottomed ASTs.
- An interstitial integrity test shall be conducted for double-walled small diameter piping in contact with the soil or over surface waters of the state.

*In general the testing must be conducted for one hour, instead of the former three hours in accordance with PEI/RP1200-12.*
For new piping installed in contact with the soil, a survey drawing signed and sealed by a professional land surveyor or engineer must be completed and maintained.
Storage tank systems that produce a gravity head on small diameter piping must be installed with anti-siphon valves (ASVs).

For existing systems without ASVs, they must be installed within one year (1/11/18).
All overfill protection devices for ASTs must be tested for proper operation annually at intervals not exceeding twelve months. The initial testing must be conducted within 12 months of the effective date of the rule (by 1/11/18).
ASTs with capacities of 15,000 gallons or less that DO NOT receive delivery by a joined tight fill adaptor connection are exempt from overfill protection requirements as long as the ASTs are never filled beyond 80% capacity.

Former rule language is not as descriptive and ASTs can’t be filled beyond 95%.
Field erected ASTs that are loaded by truck are required to have spill containment by July 11, 2017, unless the fill connection already exists within a dike field with secondary containment or within a tank truck containment area.
All new pressurized small diameter piping in contact with the soil must be installed with line leak detectors, and must be tested every 12 months.

Existing systems must be equipped with line leak detectors within one year of the effective date of the rule (by 1/11/18), and undergo testing every 12 months.
Piping and dispenser sumps that use electronic release detection must also be visually inspected every six months.
The rule now specifically requires that facilities maintain a monthly record of alarm history and sensor status for inspection. Each release detection alarm that occurs from a facility’s chosen form(s) of release detection must be investigated as an incident, and findings must be maintained for inspection.
Pressure readings shall be able to detect a 50% change from month to month or from the initial level. Vacuum systems shall be able to detect any complete loss of vacuum or positive pressure reading.
The rule now specifies that annual operability testing of release detection equipment be conducted at intervals not exceeding 12 months.
Periodic integrity testing will be required as follows:

• Double-walled tanks and below grade double-walled piping at the time of installation and at the time of any repairs.

• Below-grade piping/dispenser sumps by October 13, 2018, and every three years after.

• Below-grade spill containment systems within one year of rule effective date (by 1/11/18) and every three years after.

• Below-grade hydrant sumps by 1/11/18 and every three years after.
Water in excess of 1” (no longer at the piping penetrations) or any regulated substances must be removed within 72 hours of discovery.
Records, unless required to be maintained until AST closure, must be maintained for three years (except that records generated prior to the effective date of the rule must still be kept for two years).
The following changes to the records requirements have been made:

• The Release Detection Response Level (RDRL) requirement has been removed from the rule.
• Release detection records must include a record of alarm history for electronic release detection devices.
• Survey drawings shall be kept until closure of the component(s) surveyed.
Out-of-Service Requirements

• Whether the tank contains petroleum/petroleum products or not, FR must be maintained. If FR is not maintained, then the tank must be closed within 90 days.

• For systems out-of-service for more than 1 year – tanks must be evaluated per STI SP001 (shop fab) or API 653 (field erected) before placing back into service, and piping in contact with soil must be integrity tested.

• For field erected tanks, tank bottom release detection systems shall be monitored every 12 months.
• Single-walled ASTs and piping in contact with the soil must undergo closure sampling during closure.

• Double-walled ASTs, double-walled piping, and dispenser/piping/hydrant sumps in contact with the soil, as well as spill containment devices that are totally below grade must undergo a closure integrity evaluation prior to closure to determine if closure sampling is required.

• In cases where closure integrity evaluation is required, the closure integrity report must be submitted to the county with closure notification prior to actual closure (30-45 days prior).
Closure Requirements

• If a closure integrity evaluation is required but not conducted, then closure sampling is required.

• In cases where closure sampling is required, a closure report will be due to the county within 60 days.

• In cases where closure sampling is not required, a Limited Closure Report will be due in 60 days using Form 62-762.900(8).
Equipment Registration

• Previously, storage tank system equipment used in the State of Florida underwent formal Department equipment approval.

• The new process replaces equipment approval process with a registration process.

• The registration application must include a third-party evaluation of the equipment.

• Registration renewal must occur every five years.
The contracted local programs will no longer conduct storage tank inspections at mineral acid tank facilities – except for discharge and complaint inspections.
Any Questions?