



Florida Department of Environmental Protection

Changes to Chapter 62-761 & 62-762, FAC Underground & Aboveground Storage Tank Systems (USTs & ASTs)

Southeast District Open House
September 27, 2018



Rule Organization

- The rule sections are reorganized a bit with separate sections now for:
 - Registration
 - Notification
 - Financial responsibility
 - Incidents
 - Discharges
- The concept of Category A, B and C tank systems has been removed since all USTs/ASTs must have met upgrade requirements by January 1, 2010.



Rule Organization - ASTs

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.



Operator Training - USTs

- Each facility, including unmanned facilities, must designate a Class A, B, and C operator by **October 13, 2018**.
- Class A – has primary responsibility for facility, such as owner, and can operate one or more facilities.
- Class B – implements day-to-day tank operations, such as operator or independent consultant, and can operate up to 50 facilities. If a contractor, then must also be a Certified Contractor or must be employed by a Certified Contractor.
- Class C – controls dispensing of fuel, such as manager/clerk, and must be trained for each facility.
- Class A and B operators must be re-trained if the Department issues an NOV for a significant issue (FR, construction, overflow/spill containment, and release detection).



Operator Training - USTs

- Class A - C must complete approved training course, except that Class C may receive training from Class B.
- Facilities must have a trained employee present during hours of operation, unless facility is unmanned.
- Unmanned facilities must have emergency information signage visible from any dispenser.
- Certificates of training must be maintained and available for inspection.
- Emergency contact numbers must be posted for Class C operators' use and site specific response procedures must be accessible.



Registration/Notification - Installations

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.
- For USTs, provide a certified contractor form within **30 days after** installation.

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.
- For USTs, provide a certified contractor form within **21 days after** installation.



Registration/Notification - Closures

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.*
- For USTs, provide a certified contractor form within 30 days after removal.

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.*
- For USTs, provide a certified contractor form within 21 days after removal.



Registration/Notification - Delivery Prohibition

- 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.



Placard Revocation & Delivery Prohibition - USTs

A placard may be revoked for the following non-compliance issues:

- Failure to install, operate and maintain release detection equipment
- Failure to meet storage tank system requirements (Section .500)
- Failure to respond to an ongoing discharge
- Failure to maintain financial responsibility



Placard Revocation & Delivery Prohibition - USTs

To revoke a placard:

1. Local program cites applicable violation.
2. Local program exhausts Compliance Assistance efforts.
3. Facility referred to District.
4. District exhausts Compliance Assistance efforts.
5. District seeks Peer approval for placard revocation.
6. Written notice of revocation provided to RP 30 business days prior to revocation.
7. Supplier may rely on website information for up to 30 days prior to delivery.



Placard Revocation & Delivery Prohibition - USTs

To release a revocation:

1. Facility owner gives written notice to Department.
2. Local program reinspects (as necessary) within 2 business days.
3. Department releases revocation within 3 business days if all deficiencies corrected.



Financial Responsibility

- 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.
 - Must be maintained until the regulated tank is closed. If it is not maintained, then the tank must be closed.
 - May be demonstrated by owner or operator. The facility owner is liable in event of noncompliance.
 - Must be demonstrated in accordance with EPA's reference guideline, or in accordance with 62-761.900(3).



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 (former 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.





Construction Requirements

For new installations:

- A containment integrity test shall be conducted for single-walled spill buckets and sumps.
- An interstitial integrity test shall be conducted for USTs and for double-walled or double-bottomed ASTs.
- An interstitial integrity test shall be conducted for double-walled spill buckets and sumps.

In general, the testing must be conducted for one hour, instead of the former three hours in accordance with PEI/RP1200-12.



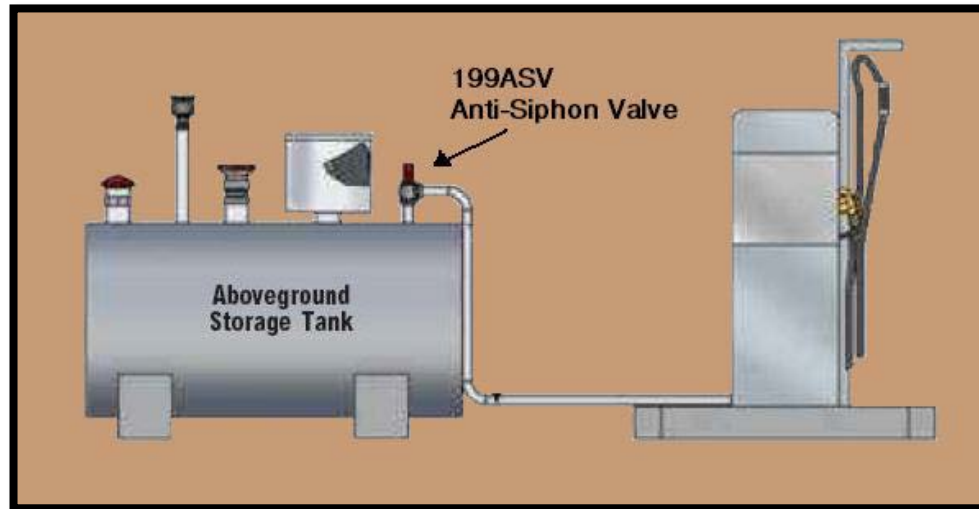
Construction Requirements



For new USTs or 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.



Construction Requirements



ASTs and USTs 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).



Construction Requirements



All overfill protection devices for USTs & ASTs must be tested for proper operation annually at intervals not exceeding 12 months. The initial testing must be conducted within 12 months of the effective date of the rule (by 1/11/18).



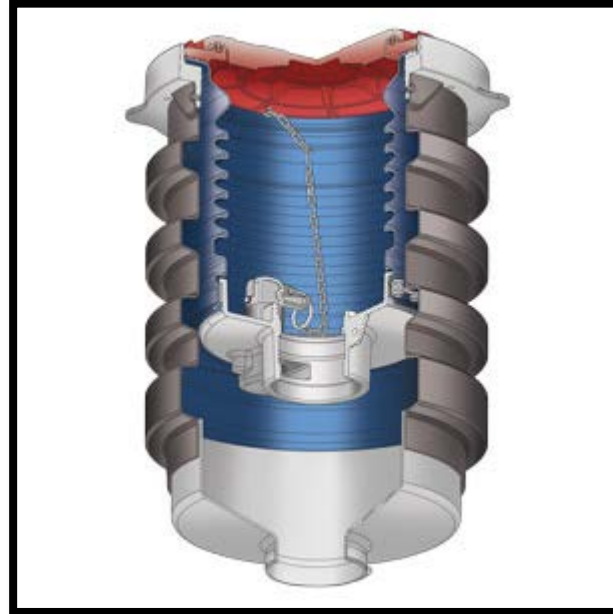
Construction Requirements - USTs



Vent restriction devices cannot be used when overfill protection is installed or replaced after the effective date of the rule.



Release Detection Requirements - USTs



Double-walled spill buckets, regardless of when installed, must be operated and maintained as double-walled.



Release Detection Requirements - USTs



Existing USTs that store fuel for generators must have release detection by October 13, 2018. USTs installed after the effective date of the new rule must have release detection upon installation.



Release Detection Requirements (Shop Fabricated ASTs)



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.



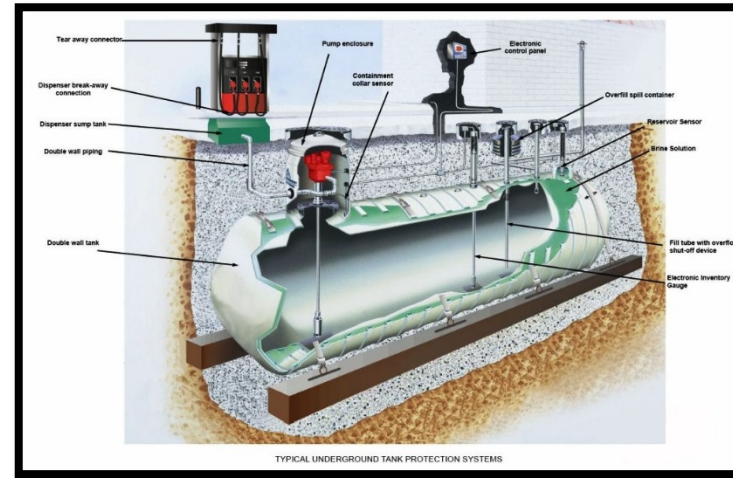
Release Detection Requirements



Piping and dispenser sumps that use electronic release detection must also be visually inspected every 6 months.



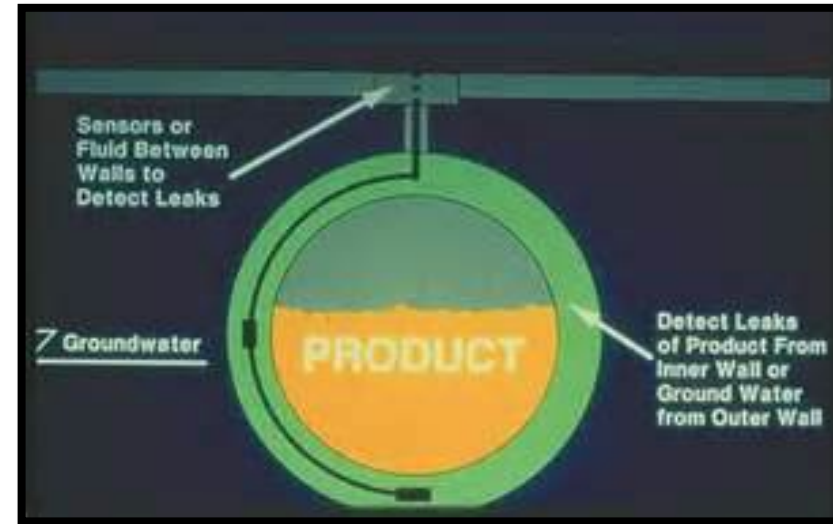
Release Detection Requirements



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.



Release Detection Requirements



The rule now specifies that annual operability testing of release detection equipment be conducted at intervals not exceeding 12 months.



Repairs, Operation and Maintenance

Periodic integrity testing will be required as follows:

- Double-walled tanks and double-walled piping at the time of installation and at the time of any repairs.
- Piping/dispenser sumps and double-walled spill containment by 10/13/18, and every three years after.
- Single-walled spill containment systems within one year of the rule effective date (by 1/11/18) and every year thereafter.
- Below-grade hydrant sumps by 1/11/18 and every three years thereafter.



Repairs, Operation and Maintenance

Water in excess of 1" (no longer at the piping penetrations) or any regulated substances must be removed from spill buckets and sumps within 72 hours of discovery.





Recordkeeping



Records, unless required to be maintained until tank 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).



Recordkeeping

The following changes to the records requirements have been made:

- The Release Detection Response Level (RDRL) requirement has been removed from the rule.
- Survey drawings shall be kept until closure of the component(s) surveyed.



Out-of-Service Requirements - USTs

- 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 tanks out-of-service for more than 2 years – interstitial integrity testing must be conducted before placing back into service.



Out-of-Service Requirements - ASTs

- 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.



Closure Requirements

- Double-walled USTs/ASTs, double-walled piping, dispenser/piping/hydrant sumps and spill containment devices in contact with the soil must undergo a closure integrity evaluation no more than 45 days 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 62-761.900(8).



Equipment Registration

- Currently, storage tank system equipment used in the State of Florida must undergo formal Department equipment approval.
- The proposed rule 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.



Florida Department of Environmental Protection

Questions?

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