

Section I
**Notice of Development of Proposed Rules
and Negotiated Rulemaking**

PUBLIC SERVICE COMMISSION

RULE NO.: **RULE TITLE:**
25-30.445 General Information and Instructions
 Required of Water and Wastewater Utilities
 in an Application for a Limited Proceeding

PURPOSE AND EFFECT: Rule 25-30.445, F.A.C., would be amended to require in an application for a limited proceeding that a water utility must provide copies of all customer complaints that it has received during the past five years regarding secondary water quality standards set by the Department of Environmental Protection, along with its most recent secondary water quality test results.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Consideration of secondary water quality standards in limited proceedings.

RULEMAKING AUTHORITY: 350.127(2), 367.121(a), F.S.

LAW IMPLEMENTED: 367.081, 367.0812, 367.0822, 367.121(1)(a), 367.145(2), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: **RULE TITLE:**
61J1-4.010 Supervision and Training of Registered
 Trainee Appraisers

PURPOSE AND EFFECT: To discuss and review updating the rule.

SUBJECT AREA TO BE ADDRESSED: Updating the rule.

RULEMAKING AUTHORITY: 475.614, 475.615 FS.

LAW IMPLEMENTED: 475.611, 475.615, 475.6221, 475.6222 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juana Watkins, Executive Director, Florida Real Estate Appraisal Board, 400 West Robinson Street, #N801, Orlando, FL 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: **RULE TITLE:**
64B-9.008 Telehealth Practitioner Survey Procedures

PURPOSE AND EFFECT: This rulemaking establishes the survey form that must be completed by certain health care practitioners at the time of license renewal regarding telehealth practice as required by recently enacted legislation.

SUBJECT AREA TO BE ADDRESSED: Telehealth practice by licensed health care practitioners.

RULEMAKING AUTHORITY: 456.004(1), FS.

LAW IMPLEMENTED: 2016-240, L.O.F.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adrienne Rodgers, Bureau Chief, 4052 Bald Cypress Way, Bin #C11, Tallahassee, FL 32399, (850)245-4095 or Adrienne.Rodgers@flhealth.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: **RULE TITLE:**
69A-64.005 Adjustments to Reflect Consumer Price
 Index

PURPOSE AND EFFECT: The purpose of the amendment is to adjust the firefighter death benefits provided in subsection 112.191(2), F.S., for the 2016-2017 year based on the Consumer Price Index (CPI) for All Urban Consumers published by the United States Department of Labor.

SUBJECT AREA TO BE ADDRESSED: Adjustment of firefighter line of duty death benefits.

RULEMAKING AUTHORITY: 112.191(2)(h)

LAW IMPLEMENTED: 112.191(2)(h)

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 10, 2016 @ 10:00 a.m.

PLACE: Division of State Fire Marshal, 3rd Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jason Fryar, telephone: (850)413-3647, email: Jason.Fryar@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jason Fryar, Government Analyst II, Division of State Fire Marshal, address: 200 E. Gaines Street, Tallahassee, FL 32399-0342, telephone: (850)413-3647, email: Jason.Fryar@MyFloridaCFO.com. Or online at: <http://www.myfloridacfo.com/Division/GeneralCounsel/RuleWorkshopMeetings/default.asp>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: RULE TITLE:

1B-32.003 Maintenance of Agency Final Orders

PURPOSE AND EFFECT: This new rule will provide standards and guidelines on how to transmit agency final order to the Division of Administrative Hearings and implements other changes to section 119.021, 120.53, and 120.533, Florida Statutes, made by Ch. 2015-155, Laws of Florida.

SUMMARY: This new rule will provide guidelines and standards on transmitting final orders to the Division of Administrative Hearings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon completion of a SERC checklists, it was determined that the proposed rule will not have a direct or indirect financial impact on small businesses.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.53, FS.

LAW IMPLEMENTED: 119.021, 120.53, 120.533, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carlos A. Rey, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, 850-245-6536, Carlos.Rey@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-32.003: Maintenance of Agency Final Orders

(1) Pursuant to section 120.53, Florida Statutes, agencies are required to transmit final orders rendered on or after July 1, 2015, to a centralized electronic database. The Division of Administrative Hearings (DOAH) has been designated as the centralized electronic database of agency final orders. It is the responsibility of each agency to create an account and submit their final orders to the centralized database.

(2) The final orders that must be filed with DOAH are set forth in section 120.53(2), Florida Statutes.

(3) To be filed in DOAH's centralized electronic database, a final order must meet the following criteria:

(a) It shall be electronically transmitted to DOAH pursuant to subsection (4) below no later than 90 days after being rendered.

(b) It shall be submitted in an ADA-compliant and text searchable PDF format, with a maximum file size of 25 MB.

(c) It must be secured with a digital signature, as defined by section 668.003, Florida Statutes, and retain metadata

sufficient to establish that the electronic order filed is a true copy of the original final order and has not been modified.

(4) Agency final orders must be electronically transmitted to the DOAH through its eALJ portal (<https://www.doah.state.fl.us/eALJ/Login.aspx?ReturnUrl=%2feALJ%2f>).

(5) Each filing agency must follow the instructions provided on the DOAH eALJ website to register for electronic filing and to file final orders. Each agency must designate at least one person who has authority to file through the eALJ portal on behalf of the agency, prior to or upon submitting the Electronic Filing Registration form provided at <https://www.doah.state.fl.us/eALJ/Registration.aspx>. The designated person must obtain access by contacting DOAH's Clerk.

(6) Only those persons designated by a filing agency under this rule may file final orders with DOAH through the eALJ portal.

(7) Each filing agency shall be responsible for ensuring proper training for each person it designates and for ensuring the security of access through its designated persons. Within 48 hours of a designated person separating from a filing agency or otherwise ceasing to be a designated person under this rule, the filing agency shall notify DOAH and have that designated person's access to the database canceled.

(8) DOAH shall be responsible for continued maintenance and update of the list of designated persons for each filing agency and for the ongoing security of access to the electronic database.

(9) In final orders where personal, privileged, or private information has been deemed confidential by law and, therefore, not subject to a public records request or generally available for viewing by the public, the agency that has redacted the final order prior to transmitting it to DOAH shall retain an original, unredacted copy.

Rulemaking Authority 120.53, FS. Law Implemented 119.021, 120.53, 120.533, FS. History – New xx-xx-xx

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Carlos A. Rey
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Detzner
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 07/28/2016
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 07/21/2016

DEPARTMENT OF ENVIRONMENTAL PROTECTION

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 62-761.100 | Intent |
| 62-761.200 | Definitions |
| 62-761.210 | Reference Guidelines Standards |
| 62-761.300 | Applicability |
| 62-761.350 | Operator Training and Certification |
| 62-761.400 | Facility Registration and Financial Responsibility |
| 62-761.405 | Notification |
| 62-761.420 | Financial Responsibility |
| 62-761.430 | Incidents |
| 62-761.440 | Discharges |
| 62-761.450 | Notification and Reporting |
| 62-761.500 | Performance Standards for Category C Storage Tank Systems Requirements |
| 62-761.510 | Performance Standards for Category-A and Category-B Storage Tank Systems |
| 62-761.600 | Release Detection Requirements Standards |
| 62-761.610 | Release Detection Methods |
| 62-761.640 | Performance Standards for Release Detection Methods |
| 62-761.700 | Repairs, Operation and Maintenance of Storage Tank Systems |
| 62-761.710 | Recordkeeping |
| 62-761.800 | Out-of-Service and Closure Requirements |
| 62-761.820 | Incident and Discharge Response |
| 62-761.850 | Alternative Procedures, Requirements and Equipment Registration and Registration of Operator Training Providers Approvals |
| 62-761.900 | Storage Tank Forms |

PURPOSE AND EFFECT: The Department is proposing to amend Chapter 62-761, F.A.C., to streamline and clarify regulatory language that has become increasingly complex and difficult to implement through multiple revisions over the past 24 years. Rules have been reorganized by topic to help stakeholders quickly find and understand rule requirements. The proposed revisions have been developed with input from industry stakeholders, subject matter experts, and inspectors to streamline and clarify the regulations for industry and Agency staff. The Proposed Rule has also been updated to be consistent with 40 CFR Parts 280 and 281, the revised federal Underground Storage Tank Regulations published in the Federal Register on July 15, 2015.

SUMMARY: In the "Definition" Rule, the Department removed definition terms that are defined in statute or no longer used in rule and added certain terms for clarity. The "Reference Standards" Rule is renamed "Reference Guidelines" and internet web addresses are added for those technical requirements providing digital access for industry. Technical requirements that are incorporated by reference are updated to conform to revisions published and adopted by the American Society of Mechanical Engineers, Petroleum

Equipment Institute, National Fire Protection Association, National Institute of Standards and Technology, and the National Leak Prevention Association. Additionally, the requirements referenced in these documents are likewise incorporated by reference. Pursuant to Joint Administrative Procedures Committee direction, the Department created Appendix A listing Secondary References for documents that are listed in the primary references, but not cited. In the “Applicability” Rule, grandfathering language is added for those secondarily contained tanks installed under prior Rule requirements; revisions remove terms and text that are redundant or no longer applicable and clarify text that may conflict with other regulations found in the Contaminated Site Cleanup Criteria rules, Chapter 62-780, F.A.C. This Rule further clarifies certain exemptions including defining “small quantities” of regulated substances, and clarifies pipelines that are exempt from this Chapter. Additionally, this proposed revision adds exemptions for storage tank systems that contain a regulated substance at low concentrations. In the “Operator Training and Certification” Rule, the language is updated to parallel 40 CFR 280 of the 2015 revised Underground Storage Tank Regulations. The language is also updated to be consistent with other language in the proposed Rule Chapter and to provide some additional minor clarifications that are needed. In the “Facility Registration” Rule, registration requirements are clarified and provide detail about registration placards. The title is also updated to include the term “Facility.” The Financial Responsibility provisions are proposed to be relocated into a stand-alone rule section, Rule 62-761.420, F.A.C. The new “Notification” Rule creates a complete list from other rule sections of the current Rule Chapter, specifying when the Department must be informed of certain events and also includes updates from the 2015 revised federal Underground Storage Tank Regulations. The proposed “Financial Responsibility” Rule includes existing language that is moved to its own rule section to make it easier for the regulated community to locate. No substantive changes are being proposed. “Incidents” and “Discharges” are separated into two Rules for clarity. The Incident language proposes to provide additional time for the tank owner to conduct an initial incident investigation, thereby expanding time for notification to the Department for unresolved incidents. Discharge language is revised to define types of discharges and broadens discharge response to coordinate with language and tables in Chapter 62-780, F.A.C., and also includes updates from the 2015 revised federal Underground Storage Tank Regulations. The “Storage Tank System Requirements” Rule is completely rewritten to provide a direct description of existing requirements and also includes updates from the 2015 revised federal Underground Storage Tank Regulations. Outdated requirements for older non-compliant tanks are to be repealed

in Rule 62-761.510, F.A.C. The proposed revisions for “Release Detection” combines three Rules on release detection into one rule, thereby creating a comprehensive list of release detection requirements for clarity. It also clarifies the topic of integrity testing under operation and maintenance, including a schedule for containment and integrity testing. The “Repairs, Operation and Maintenance” Rule is completely rewritten to provide a more logical sequence of information for the regulated community and also includes updates from the 2015 revised federal Underground Storage Tank Regulations. The proposed revision eliminates confusing or outdated language in the “Recordkeeping” Rule. The number of years to retain records is increased from two to three years allowing the Department to move from an annual inspection to a triennial inspection cycle. This will provide flexibility in the Department’s inspection frequencies while maintaining record keeping requirements that are consistent with inspection frequencies under federal programs. This Rule also includes updates from the 2015 revised federal Underground Storage Tank Regulations. Proposed revisions to the “Out-of-Service and Closure Requirements” reduces the requirement for storage tank owners to conduct closure sampling at facilities with secondarily contained tank systems. Those secondarily contained tank systems that pass a closure integrity evaluation will not have to conduct environmental sampling at closure, significantly reducing costs of closing a tank system to the tank owner. “Alternative Requirements and Equipment Registration” is proposed to be revised from the current approval process to a simpler registration process. This will reduce regulatory process and cost to industry while maintaining adequate safeguards and environmental protections. Additionally, this section includes updates from the 2015 revised federal Underground Storage Tank Regulations. Also included in this Rule is the addition of registration of operator training providers to ensure the training materials they provide meet the requirements under 62-761.350, F.A.C.

OTHER RULES INCORPORATING THIS RULE:

62-521.400, 62-555.312, 62-555.520, 62-701.300, 62-710.300, 62-710.401, 62-713.600, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-762.201, 62-762.401, 62-762.451, 62-762.711, 62-762.801, 62-762.821, 62-762.891, 62-780.210, and 62-780.600, F.A.C.

EFFECT ON THOSE OTHER RULES: Amendments to Chapter 62-761, F.A.C., in this Notice of Proposed Rule are not expected to have any significant impact on the following rules: Rules 62-521.400, 62-701.300, 62-710.300, 62-710.401, 62-713.600, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-780.210, and 62-780.600, F.A.C. Amendments to Chapter 62-761, F.A.C., will have an impact to Rules 62-555.312 and 62-555.520, F.A.C. Rules 62-555.312 and 62-555.520, F.A.C.,

need to be updated to reflect that Chapters 62-761 and 62-762, F.A.C., were separated into two rules effective June 21, 2004. Amendments to Chapter 62-761, F.A.C., will have an impact on Rules 62-762.201, 62-762.401, 62-762.451, 62-762.711, 62-762.801, 62-762.821, and 62-762.891, F.A.C., which are all related to forms in Rule 62-761.900, F.A.C. Chapter 62-762, F.A.C., is in Rule Development effective November 19, 2013, and will create new forms under Chapter 62-762, F.A.C., with the exception of Form 62-761.900(3) Financial Mechanisms for Storage Tanks, currently called Certification of Financial Responsibility. At the time of adoption of Chapter 62-762, F.A.C., the forms in Chapter 62-761, F.A.C., regarding aboveground storage tanks, with the exception of Form 62-761-900(3), will no longer be applicable; however, until such time, the forms in Chapter 62-761, F.A.C., will be applicable to Chapter 62-762, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that the proposed rule revisions will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Financial information to determine if a SERC is required was provided by compliance and maintenance service providers to the industry. The increased costs to regulated businesses affected by the revisions to Chapter 62-761, F.A.C., are expected to be more than fully offset by the reduced costs attributable to changes in testing, monitoring, reporting of incidents, and closure. The Department is expected to incur a slight increase in costs due to the requirements of the revisions for secondary references.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 376.30, 376.303, F.S.

LAW IMPLEMENTED: 376.30, 376.303, 376.30716, 376.3077, 376.308, 376.309, 403.091, 403.141, 403.161, 489.133, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: August 23, 2016, 9:30 a.m. until no later than 11:00 a.m. EDT

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, Tallahassee, Florida, 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the Agency at least 5 days before the workshop/meeting by contacting: William E. Burns, Jr., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399, bill.burns@dep.state.fl.us or (850)245-8842. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William E. Burns, Jr.

Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399, bill.burns@dep.state.fl.us or (850)245-8842.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-761.100 Intent.

(1) The purpose of this Chapter is to provide requirements standards for the ~~registration, construction, installation, operation, maintenance, repair, closure, and disposal of~~ underground storage tank systems that store regulated substances; in order ~~and~~ to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards 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, _____.

62-761.200 Definitions.

All words and phrases defined in Section 376.301, 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 ~~or terms~~ used in this Chapter shall, unless the context clearly indicates otherwise, ~~shall~~ have the following meaning:

(1) No change.

(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 ~~“AST” means an aboveground storage tank.~~

~~(3) “Bulk product piping” means on-site integral piping with an internal diameter greater than three inches that is utilized for transporting regulated substances.~~

~~(4) “Cathodic protection” means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.~~

~~(5) “Cathodic Protection Tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure to soil potential, and component electrical isolation measurements of buried metal piping and tank systems.~~

~~(4)(6) “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 UST 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 USTs 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 liners~~ 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 Tank Installation and Removal Form for Certified Contractors 62-761.900(5).

~~(6)(7) “Chlorine” includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) 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 or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a 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*, 2016 Edition.

~~(13)(8) “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.~~

~~(9) “Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities that result in exceedances of applicable cleanup target levels in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, or 62-550, F.A.C.~~

~~(14)(10) “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 registered in the State of Florida.~~

~~(15) “Corrosion Protection” means the minimization of corrosion by the use of cathodic protection or vapor corrosion inhibitors.~~

~~(16)(11) “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.~~

~~(12) “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.~~

~~(17)(13) “Discovery” means:~~

~~(a) Either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of a an previously unreported incident, release, or discharge, or an unmaintained storage tank system; or~~

~~(b) Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(10), F.A.C.~~

~~(18)(14) “Dispenser” means a dispensing system that is used to transfer regulated substances vehicular fuel from a fixed point to a vehicle or portable container.~~

~~(15) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.~~

~~(19) “Dispenser sump” means a storage tank system component installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.~~

~~(16) “Dispensing system” means equipment that is used to transfer regulated substances from integral piping through a~~

~~rigid or flexible hose or pipe to another point of use outside of the storage tank system.~~

~~(20)(17) “Double-walled” means a storage tank system or system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.~~

~~(21) “DRF” means Discharge Report Form 62-761.900(1).~~

~~(22)(18) “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.~~

~~(19) “Existing contamination” means:~~

~~(a) The presence of free product or sheen on the groundwater;~~

~~(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:~~

~~1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or~~

~~2. 50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;~~

~~(c) Results of analytical tests on a groundwater sample that:~~

~~1. Exceed the cleanup target levels for petroleum products’ contaminants of concern specified in Table I of Chapter 62-777, F.A.C.; or~~

~~2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or~~

~~3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(c)1., F.A.C., above; or~~

~~(d) After July 13, 1998, results of analytical tests on a soil sample that:~~

~~1. Exceed the lower of direct exposure residential and leachability based on groundwater criteria cleanup target levels for petroleum products’ contaminants of concern specified in Table II of Chapter 62-777, F.A.C.; or~~

~~2. Indicate the presence of a hazardous substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above; or~~

~~3. Indicate the presence of a regulated substance that is not described in subparagraph 62-761.200(19)(d)1., F.A.C., above.~~

~~(20) “Facility” means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that~~

~~have, or had, individual capacities greater than 110 gallons for UST systems.~~

~~(23)(21) “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, floating on water, surface water or groundwater.~~

~~(22) “Hazardous substances” means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.~~

~~(23) “Heating oil” means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.~~

~~(24) “High viscosity” means a pollutant with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade.~~

~~(25) “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed loop mechanical system used to operate lifts, elevators, and other similar devices.~~

~~(24)(26) “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 to test the integrity of the tank or system component.~~

~~(25)(27) “Impervious” means:~~

~~(a) A synthetic material or another material registered approved 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/> ACI 350R-89 and ACI 224R-89; 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/> NACE International Standard RP0892-92.~~

~~(26)(28) “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, integral piping connected to USTs, or any portion of a tank, that:~~

~~(a) Physically touches the soil; or~~

~~(b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.~~

~~(c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.~~

~~(27)(29) “Incident” is a condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component.~~

~~(28) “INF” means Incident Notification Form 62-761.900(6).~~

~~(29)(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. that is being actively maintained and operated in accordance with this Chapter. Non-compliance with any specific rule within this Chapter does not exclude the system from being considered “in-service.” Subject to the above, a storage tank system is also considered to be in service if it:~~

~~(a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;~~

~~(b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or~~

~~(c) Contains non-regulated substances and is still maintained in an in-service status at the request of the owner or operator.~~

~~(30)(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/dispersing system;~~

~~(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; or~~

~~(d) First flange or connection within the loading rack containment area.~~

On-site 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.

(31) "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.

~~(32) "Internal lining" means a material that is applied internally on USTs to protect the tank from internal corrosion.~~

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

~~(33) "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. release detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:~~

~~(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or~~

~~(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.~~

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

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

(36)(35) "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.

~~(37)(36) "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 standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. Nationally Recognized Laboratories include organizations such as Underwriter's Laboratories, Carnegie Mellon Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.~~

~~(37) "On site" means on the same or geographically contiguous property as the facility regulated under this Chapter, that is under the same ownership or control, and which may be divided by a public or private right-of-way or an easement.~~

(38) "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.

~~(38) "Operational life" refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-761.800(2), F.A.C.~~

~~(39) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.~~

~~(39)(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).that:~~

~~(a) Is designated as an out of service system by owner or operator notification to the Department on Form 62-761.900(2);~~

~~(b) Is empty as defined in subsection 62-761.200(18), F.A.C.; and~~

~~(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-761.800(1), F.A.C., for a maximum time of:~~

- ~~1. Two years of being taken out of service for USTs; or~~
- ~~2. Ten years of being taken out of service for storage tank systems with secondary containment.~~

~~(40)(41) "Overfill" is an incident a release or discharge that occurs when a tank is filled beyond its capacity.~~

(41) "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.

~~(42) "Owner" means any person as defined in Section 376.301(23), F.S., owning a facility.~~

~~(43) "Pesticides" means any substance or mixture of substances, as defined in Section 487.021, F.S., 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 s. 201(w) 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 s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection, all preparations, products, and substances included in the Department of Agriculture and Consumer Services' Rule 5E-2.002, F.A.C.~~

~~(44) "Petroleum" includes:~~

~~(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and~~

~~(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph 62-761.200(44)(a), F.A.C.~~

~~(45) "Petroleum product" means any liquid fuel commodity made from petroleum.~~

~~(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:~~

- ~~1. Diesel fuel;~~
- ~~2. Kerosene;~~
- ~~3. Gasoline; and~~
- ~~4. Fuels containing mixtures of gasoline and other products.~~

~~(b) Forms of fuel excluded from this definition are:~~

- ~~1. Liquefied petroleum gas;~~
- ~~2. American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;~~
- ~~3. Bunker C residual oils;~~
- ~~4. Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;~~
- ~~5. Asphalt oils; and~~
- ~~6. Petrochemical feedstocks.~~

~~(43)(46) "Pipe" or "piping" means any hollow cylindrical or tubular conveyance through which regulated substances flow.~~

~~(44)(47) "Piping sump" or "Submersible turbine pump sump" means a storage tank system component liner installed as secondary containment or a monitoring port at the top of a tank or at the lowest point in the integral piping to detect releases.~~

~~(48) "Pollutants" includes any "product" as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.~~

~~(49) "Pressure test" means a test to determine the integrity of integral piping performed in accordance with subparagraph 62-761.640(5)(a)1., F.A.C.~~

~~(45)(50) "Pressurized piping" means piping through which regulated substances are pumped flow under pressure due to a pump that is not located at the dispensing system.~~

~~(46)(51) "Product" as defined in Section 377.19(11), F.S., 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.~~

~~(52) "Registered Precision Tank Tester" means a contractor that performs tightness tests on USTs, and small diameter piping connected to USTs, that is registered by the Department of Business and Professional Regulation pursuant to Chapter 489, F.S.~~

~~(47) "Registration form" means Storage Tank Facility Registration Form 62-761.900(2).~~

~~(48)(53) "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 UST.~~

~~(49)(54) "Release" means:~~

~~(a) A discharge; or~~

~~(b) a loss of regulated substances from a storage tank system or system component into the system's secondary containment.~~

~~(50)(55) "Release detection" means a method of:~~

~~(a) Determining whether a discharge of regulated substances has occurred; or~~

~~(b) 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.~~

~~(56) "Release detection response level" is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.~~

~~(51)(57) "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.~~

~~(52)(58) "Residential storage tank system" means a storage tank system that provides fuel for heating, air conditioning, or electricity to a residential structure. That structure is a non-commercial building utilized exclusively as a dwelling unit that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.~~

~~(53)(59) "Secondary containment" means a release detection and discharge prevention system that meets the performance requirements standards of paragraph 62-761.500(1)(b)(4), 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 systems, or single-walled tanks or piping systems that are contained within a liner or an impervious containment area surrounding single-walled tanks or integral piping.~~

~~(54)(60) "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.~~

~~(61) "Significant loss or gain" means the sum of losses and gains of a regulated substance over a 30-day or monthly period that exceeds:~~

~~(a) For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:~~

- ~~1. One percent of the tank capacity; or~~
- ~~2. One percent of the total weekly output; or~~
- ~~3. Fifty gallons, whichever is greatest; or~~

~~(b) For tanks with capacities greater than 2000 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:~~

- ~~1. One percent of the tank capacity; or~~
- ~~2. One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.~~

~~(62) "Small diameter piping" means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.~~

~~(55) "Spill containment system" means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.~~

~~(56)(63) "Storage tank system" means a tank used to contain regulated substances, its integral piping, and all its components, including dispensers, dispensing systems, spill containment systems, devices, overfill protection systems, devices, 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.~~

~~(57) "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, sumps, pumps, including dispensers, spill containment systems, overfill protection systems, secondary containment systems, and any associated release detection equipment.~~

~~(58)(64) "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, dispensing system.~~

~~(59)(65) "Tank" means an 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.~~

~~(66) "Tightness test" means a test for an underground storage tank or its small diameter piping that is performed in accordance with subparagraphs 62-761.640(3)(f)1. and (4)(b), F.A.C., by a precision tank tester registered with the Department of Business and Professional Regulation under Chapter 489, F.S.~~

~~(60)(67) "UST" means an underground storage tank.~~

~~(68) "UST Category A system" means a system containing pollutants that was installed on or before June 30, 1992, or a system containing hazardous substances that was installed before January 1, 1991.~~

~~(69) "UST Category B system" means a system containing pollutants that was installed after June 30, 1992, or a system containing hazardous substances that was installed on or after January 1, 1991, and before July 13, 1998.~~

~~(70) "UST Category C system" means a system that was installed on or after July 13, 1998. USTs that are removed and relocated on or after July 13, 1998 are considered Category C systems.~~

~~(71) "Unmaintained" means:~~

~~(a) A storage tank system that was not closed in accordance with Department rules; or~~

~~(b) An out-of-service storage tank system that is not returned to in-service status within:~~

~~1. Two years of its being out of service for USTs; or~~

~~2. Ten years of its being out of service for storage tank systems with secondary containment.~~

~~(72) "Upgrade" means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single wall corrosion resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.~~

~~(61) "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.~~

~~(73) "Vehicular fuel" means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.~~

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,

Substantial rewording of Rule 62-761.210, F.A.C., follows. See Florida Administrative Code for present text.

62-761.210 Reference Guidelines~~Standards~~.

(1) Reference guidelines listed in paragraphs 62-761.210(2)(a) through (n), F.A.C., 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, and directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be found in the document titled Appendix A – Secondary References located here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department 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, 3rd Edition, March 1996 (Reaffirmed, November 2001);

2. *Installation of Underground Petroleum Storage Systems*, API Recommended Practice 1615, 6th Edition, April 2011;

3. *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, API Recommended Practice 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002); and

4. *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API Recommended Practice 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012). Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department address listed in subsection 62-761.210(1), F.A.C.

(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, 2014 Edition.

(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.

(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 <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, or at the following website location: www.flrules.org/Gateway/reference.asp?No=Ref-00###. *Instructions for Conducting Sampling During Underground Storage Tank Closure*, 2016 Edition.

(f) 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 NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or the publisher's website at <http://www.nace.org/>:

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

2. *Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2011 (formerly RP0285), 2011 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, 2015 Edition;

2. *Temporarily Out of Service, Closure in Place, or Closure by Removal of Underground Storage Tanks*, NFPA 30 (Annex C), 2015 Edition; and

3. *Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2015 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: www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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/RP100-11, 2011 Edition; and

2. *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-12, 2012 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[®] Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks*, sti-P3[®], Revised November 2015. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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 November 2015. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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 R051-06, (R051), Revised January 2006;

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, 9th Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department address listed in subsection 62-761.210(1), F.A.C.;

2. Non-metallic Underground Piping for Flammable Liquids, UL 971, June 2008, 2nd Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department address listed in subsection 62-761.210(1), F.A.C.;

3. Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316, May 2006, 2nd Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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, 3rd Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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 2013 Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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, NW, Washington, D.C. 20401-0001, (202) 512-1800, or from the publisher's website at <http://www.ecfr.gov/cgi-bin/ECFR?SID=dbbcbc9f2acd236910a67035e0e599bd&page=browse>:

1. Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST), 40 CFR Part 280, July 2015; published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001,

or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or <http://www.ecfr.gov/cgi-bin/text-idx?SID=77a4ede7eedef2cdb918cb52715a2d55&node=sp40.27.280.h&rgn=div6>; and

2. Designation, Reportable Quantities, and Notification, 40 CFR Part 302, July 2002, published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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 (effective date of the rule), shall comply with this Chapter on or after (effective date of the rule). Unless otherwise specified in this Chapter, storage tank systems or system components installed before (effective date of the rule), 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—New12-10-90, Amended 7-13-98, 6-21-04, _____.

62-761.300 Applicability.

(1) General Requirements.:

~~(a) Underground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, ~~and~~ ~~or~~ owners and operators of storage tank UST systems with individual storage tank capacities greater than 110 gallons, that contain or contained regulated substances. Storage tank systems or system components installed after (effective date of the rule), shall comply with this Chapter upon installation. Unless otherwise specified in this Chapter, storage tank systems or system components installed before (effective date of the rule), 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.:

1. ~~Vehicular fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~

2. ~~Pollutants or hazardous substances after December 10, 1990; or~~

3. ~~Regulated substances in unmaintained storage tank systems.~~

~~(b) This rule is applicable to non-residential facilities. Under 40 C.F.R. 280, residential tanks greater than 1100 gallons containing motor fuels are subject to federal UST rules (advisory information only not required by this Chapter).~~

(2) Exemptions: The following ~~underground systems~~ are exempt from the requirements of this Chapter:

(a) through (d) No change.

(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) through (g) No change.

(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, Reportable Quantities, and Notification, 40 CFR Part 302, July 2002, hereby adopted and incorporated by reference, and available from publisher at the Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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 contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;

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

(k) ~~Any septic tank system;~~

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

(~~m~~) ~~Any surface impoundment, pit, pond, or lagoon;~~

(~~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 2015, residential tanks greater than 1,100 gallons containing motor fuels are subject to federal underground storage tank rules. This document is hereby adopted and incorporated by reference and available from the publisher at the Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or <http://www.ecfr.gov/cgi-bin/text-idx?SID=77a4ede7eedef2cdb918cb52715a2d55&node=sp40.2>

7.280.h&rgn=div6, or the Department address located in subsection 62-761.210(1), F.A.C.;

(~~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~~) Any flow-through process tank or underground day tank system less than or equal to 110 gallons or aboveground day tank system less than or equal to 550 gallons in capacity. 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;

(~~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 ~~e~~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 and electrical equipment tank systems;

(~~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 facilities;

(~~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 ~~v~~vapor recovery holding tanks and associated vapor recovery piping systems; ~~or~~

(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-, 2015 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/, or

the Department address located 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, _____.

62-761.350 Operator Training and Certification.

(1) Owners or operators shall identify and designate for each in-service underground storage tank system (UST) 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 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, UST facilities must have at least one certified operator (either a Class A, Class B, or Class C operator) present at the UST facility, except when a UST facility is unmanned. A UST 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 attendant present at the facility who could respond to alarms or emergencies related to the storage tank UST systems. (Examples of unmanned UST 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 UST, and unattended storage tank UST 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 ~~contact~~ number to contact monitored by 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 UST facility is an individual who typically has primary responsibility for ensuring the proper operation and maintenance of the storage tank UST systems, particularly in the capacity of managing resources and personnel necessary to achieve and maintain compliance with all storage tank system UST 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 UST regulations, including, but not limited to registration, system components, product compatibility, spill containment and overfill protection prevention, corrosion protection, release detection, recordkeeping, notification, release reporting and response, out-of-service status, ~~temporary and~~ permanent closure, operator training, and financial responsibility.

(b) Class B Operator.

1. Functions. A Class B operator of an underground storage tank system UST 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 UST systems.

2. Qualifications and Training. Class B operators must be trained in and have detailed knowledge of the requirements of applicable storage tank system UST regulations, including, but not limited to registration, system components, product compatibility, spill containment and overfill protection prevention, corrosion protection, release detection, recordkeeping, notification, release reporting and response, out-of-service status, ~~temporary and~~ permanent closure, operator training, and financial responsibility. A UST 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 is ~~Certified Contractor who~~ also holds a current “B” “A” or “A/B” license and who either is, or is employed by, a licensed registered 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 UST facility is an individual designated by the facility owner, storage tank UST 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 UST 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 on-line 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 including on going maintenance of records of 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 UST 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 UST 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 UST 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, Within 365 days of the effective date of the rule,~~ owners or operators of underground storage tank system (UST) facilities must designate at least one Class A, Class B, and Class C operator for each facility who has completed an approved acceptable operator training course.

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

(c) ~~By October 13, 2018,~~ Class C operators shall be designated by a UST facility owner or operator ~~after the effective date of this rule,~~ prior to assuming unsupervised responsibility for responding to emergencies at the facility UST system facilities.

(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 Frequency.

~~If a UST facility receives a notice of violation and the Department determines that the UST facility is in significant noncompliance, the designated Class B operators for that UST facility must recertify Class B training, within 90 days. Class 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 in one or more of the following release detection, spill/overfill prevention, corrosion protection or financial assurance.~~

(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.

Rulemaking Authority 376.30, 376.303 FS. Law Implemented 376.30, 376.303 FS. History—New 8-7-14, Amended _____.

62-761.400 Facility Registration and ~~Financial Responsibility~~.

~~(1) For installations: General registration requirements.~~

~~(a) For the purposes of this subsection, installation shall mean the date that the storage tank system or system component placement or construction begins. The owner or operator of any facility, or the owner or operator of a storage tank system shall register the storage tank system with the Department on Form 62-761.900(2).~~

(b) For new facilities, which are facilities that began construction after (effective date of the rule), a completed Form 62-761.900(2), Storage Tank Facility Registration Form (Registration Form), effective date, (effective date of the rule), 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

www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm> A completed registration form shall be submitted to the Department no later than 30 days after regulated or hazardous substances are put into any new storage tank system.

(c) A completed Form 62-761.900(5), Underground Storage Tank System Installation and Removal Form for Certified Contractors (Certified Contractors Form), effective date, (effective date of the rule), 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. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(2) For change in service status or closure pursuant to Rule 62-761.800, F.A.C.: Registration fees.

~~(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. Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all registered storage tank systems except for storage tank systems that have been properly closed in accordance with subsection 62-761.800(2), 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 removal of a storage tank system. A registration fee of \$50.00 per tank or vessel 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 not meeting the closure requirements of subsection 62-761.800(2), F.A.C. by July 1 each year.~~

~~(d) A replacement fee of \$25.00 per tank shall be paid to the Department for each tank that is replaced for the purpose of facility upgrading, within 30 days after receipt of an invoice by the Department.~~

~~(e) A late fee of \$20.00 per tank shall be paid to the Department for any renewal that is received after July 31.~~

~~(f) Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be displayed in plain view in the office, kiosk, or at another suitable location at the facility where the tank is located.~~

(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: Financial responsibility.

(a) Any change in the owner or operator of a facility or of a storage tank system. General requirements.

1. The owner or operator of a facility, or individual tanks, if of different ownership, shall demonstrate financial responsibility to the Department. If the owner and operator of a tank are separate persons, only one person is required to demonstrate financial responsibility. However, both persons are liable in event of noncompliance. Financial responsibility is only required for tanks containing petroleum or petroleum products. Financial responsibility is the ability to pay for corrective action and third party liability resulting from a discharge at the facility.

2. The demonstration of financial responsibility shall be made by the owner or operator in accordance with C.F.R. Title 40, Part 280, Subpart H.

3. Financial responsibility requirements for petroleum storage systems containing petroleum products may be supplemented by participation in the Florida Petroleum Liability Restoration and Insurance Program to the extent provided by Section 376.3072, F.S.

4. Notwithstanding the owner's or operator's financial responsibility status, the owner or operator may, in accordance with Chapter 376 or 403, F.S., be liable for any discharge at the facility.

(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 The minimum requirements for financial responsibility for USTs containing petroleum or petroleum products shall be the same as provided by C.F.R. Title 40, Part 280, Subpart H.

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

(4) Registration fees.

(a) Registration fees are due from the tank or facility owner or operator, as indicated in this subsection, 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) 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.

(e) A late fee of \$20.00 per tank shall be paid to the Department for any renewal that is received after July 31.

(f) 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: <http://www.dep.state.fl.us/waste/categories/tanks/default.htm>.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 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)(4) 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 62-761.60062-761.610, F.A.C.;

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

(c) Respond to and abate an ongoing discharge, pursuant to Rule 62-761.44062-761.820, F.A.C.; or

(d) Complete closure of out-of-service tank systems pursuant to Rule 62-761.800, F.A.C.; or

(d)(e) Maintain adequate financial responsibility pursuant to Rule subsection 62-761.42062-761.400(3), 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 within two business days of receiving such notice. The Department shall release revoked registration placards within three business days of the re-inspection if all deficiencies have been corrected to the Department's satisfaction. The Department shall establish, maintain, and post on its web-site 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)(5) Delivery prohibitions.

(a) No owner, operator, or supplier shall deposit any motor fuels regulated substance into a storage tank UST system regulated under this Chapter unless that owner or operator has a valid, current Registration placard issued by the Department agency covering that storage tank UST 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 UST relied on registration information for the storage tank system UST 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, 376.309, 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, _____.
Editorial Note: Portions of this rule were relocated to 62-761.420.

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, (effective date of the rule), 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. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or

the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(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.

(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, (effective date of the rule), 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. To obtain copies of the INF Form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(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, (effective date of the rule), 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. To obtain copies of the DRF Form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

Rulemaking Authority 376.303 FS. Law Implemented 376.30, 376.303 FS. History—New _____.

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

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, (effective date of the rule), 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 www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. Pursuant to Section 376.309(1), F.S., the facility owner is required to establish and maintain evidence of financial responsibility and 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, July 2015, incorporated by reference in paragraph 62-762.300(2)(m), F.A.C., and obtained in paragraph 62-761.210(2)(n), F.A.C. However, Department Form 62-761.900(3) effective date, (effective date of the rule), Financial Mechanisms for Storage Tank Systems, hereby adopted and incorporated by reference, and available in Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, can be used in lieu of the United States Environmental Protection Agency's financial mechanisms. Holders of financial responsibility mechanisms and facility owners are encouraged to permanently maintain evidence of financial responsibility and all correspondence with respect to coverage and claims.

(4) The appropriate part(s) of Form 62-761.900(3) shall be used when demonstrating proof of financial responsibility under this Rule, and 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.

(5) Financial requirements for the purpose of this Rule, regardless of the date of installation of storage tank systems, shall comply with 40 CFR Part 280, Subpart H, July 2015.

(6) Notwithstanding the facility owner's financial responsibility status, those persons specified in Section 376.308(1), and Sections 403.141 and .161, F.S., shall be liable for any discharge at the facility.

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

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.308, 376.309, 403.091, 403.141, 403.161 FS. History-New
Editorial Note: Portions of this rule were copied from 62-761.400, F.A.C.

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;

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; and

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

(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 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 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. 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 written approval of the Department or County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system or system component shall be placed out-of-service until such time the investigation is completed and resolved.

(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 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, 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.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New

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

62-761.440 Discharges.

(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 overflow 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.

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

1. Fire, explosion, and vapor hazards shall be identified and mitigated;

2. 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.;

3. 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.;

4. 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;

5. 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.;

6. 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

7. 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 _____.

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

62-761.450 Notification and Reporting.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.450, Amended 9-30-96, 7-13-98, 6-21-04., Repealed _____.

Substantial rewording of Rule 62-761.500, F.A.C., follows. See Florida Administrative Code for present text.

~~62-761.500 Performance Standards for Category C Storage Tank Systems 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.

(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 *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-12, 2012 Edition, hereby adopted and incorporated by reference, and available at the Department address located 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 or with the following document hereby adopted and incorporated by reference, and available at the Department address located 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/RP100-11, 2011 Edition; and PEI/RP1200-12, 2012 Edition.

6. An interstitial integrity test shall be performed on integral piping in accordance with PEI/RP100-11, 2011 Edition, and PEI/RP1200-12, 2012 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 PEI/RP1200-12, 2012 Edition, before the component is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 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, (effective date of the rule), 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 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 available from the Department's address given in subsection 62-761.210(1), F.A.C.:

1. *Installation of Underground Petroleum Storage Systems*, API Recommended Practice 1615, 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*, NFPA 30, 2015 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. *Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2015 Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(g), F.A.C.;

4. *Process Piping*, ASME B31.3, 2014 Edition. To obtain this reference from the publisher, see paragraph 62-761.210(2)(c), F.A.C.; and

5. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-11, 2011 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 available from the Department address in subsection 62-761.210(1), F.A.C.:

1. *Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems*, UL 1856, June 2013 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 (*effective date of the rule*), 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: *Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures*, UL 1316, May 2006, 2nd 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, 9th Edition, and *External Corrosion Protection Systems for Steel Underground Storage Tanks*, UL 1746, January 2007, 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 November 2015, 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 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: *Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2011 (formerly RP0285), 2011 Edition, hereby adopted and incorporated by reference, and is available from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or the publisher's website at <http://www.nace.org/>, or the Department address listed 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, UL 1746, January 2007, and *Specification for External Corrosion Protection of FRP Composite Steel USTs - ACT-100[®]*, STI F894, Revised November 2015, 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 November 2015, 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 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, 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 equipped with a drop tube.

(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 *Non-metallic Underground Piping for Flammable Liquids*, UL 971, June 2008, 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, June 2008, 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/, or the Department address listed in subsection 62-761.210(1), F.A.C.

2. Coated steel double-walled integral piping shall be constructed in accordance with ASME B31.34, 2014 Edition. 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, 3rd Edition, May 1996, (Reaffirmed, June 2002); *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition; 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 available from the Department or individual addresses given in subsections 62-761.210(1) and (2), F.A.C.

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, 2015 Edition, *Flammable and Combustible Liquids Code, Piping System*.

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, 2015 Edition, *Flammable and Combustible Liquids Code, Piping Systems*.

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, 2015 Edition, *Motor Fuel Dispensing Facilities and Repair Garages, Requirements for Dispensing Devices*. 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/RP1200-12, 2012 Edition, at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly and that the valve is properly anchored.

(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, 2015 Edition, *Flammable and Combustible Liquids Code, Tank Openings Other Than Vents*, 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, 2015 Edition, *Motor Fuel Dispensing Facilities and Repair Garages, Marine Fueling - Storage*, regardless of the date of installation of the storage tank system.

(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.

(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, regardless of the date of installation of the storage tank system, shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with the following documents hereby adopted and incorporated by reference: *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API Recommended Practice 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012), available 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/>; or *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012, available 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>, or the Department's address located in subsection 62-761.210(1), F.A.C.; or with an equivalent method approved by the Department 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, 2015 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, *Motor Fuel Dispensing Facilities and Repair Garages, Marine Fueling* of NFPA 30A, 2015 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.

(b) Storage tank systems shall be equipped with an overfill device that:

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 (*effective date of the rule*). Flow restrictors installed before (*effective date of the rule*), may only be used if the storage tank system meets the requirements of Section 7 of PEI/RP100-11, 2011 Edition, *Recommended Practices for Installation of Underground Liquid Storage Systems, UST Overfill Equipment Verification, Inspection and Testing*; or

3. Alerts the transfer operator when the tank is no more than 90 percent full by triggering an alarm and does not fill the tank beyond 95 percent capacity.

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

(d) 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 are exempt from overfill protection requirements provided that the tanks are never filled beyond 80 percent capacity.

(e) Overfill devices shall be registered in accordance with subsection 62-761.850(2), F.A.C., and an operability test shall be performed annually at intervals not exceeding 12 months to ensure proper operation.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.500, Amended 9-30-96, 7-13-98, 6-21-04, _____.

62-761.510 Performance Standards for Category-A and Category-B Storage Tank Systems.

Rulemaking Authority 376.303 FS. Law Implemented 376.303-.3072 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.510, Amended 9-30-96, 7-13-98, 6-21-04, Repealed.

62-761.600 Release Detection Requirements Standards.

(1) General requirements.

(a) Storage tank systems shall have a method, or combination of methods, of release detection that:

~~1. Can detect a new release from any portion of the storage tank system;~~

~~2. Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability to ensure that the device is functioning as designed; and~~

~~3. Meets the applicable performance standards in Rule 62-761.640, F.A.C. All manufacturer's instructions, and the performance claims and their manner of determination described in writing by the equipment manufacturer or installer shall be retained for as long as the storage tank system is used.~~

(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. A release detection response level shall be described in writing for each method or combination of methods of release detection used for a storage tank system.

(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. A release detection method shall be established and provided for all storage tank systems upon installation.

(d) Except as otherwise specified in this Rule 62-761.600 .640, F.A.C., the release detection method or combination of methods used at a facility shall be performed at least once every a 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. At least once a month, but not exceeding 35 days, any storage tank and component of a storage tank that can be inspected visually shall be visually inspected in accordance with paragraph 62-761.640(2)(e), F.A.C. A visual inspection is not required for any system component that has a continuous or monthly electronic release detection sensor. Continuous electronic leak detection devices shall be inspected for proper operation on a monthly basis. Inspection may consist of visual observation or remote verification of proper operation.

(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. A site suitability determination shall be performed for UST systems by December 31, 1998, in accordance with paragraphs 62-761.640(2)(a) (d), F.A.C., for storage tank systems using groundwater or vapor monitoring wells for release detection. If the site suitability determination indicates that on site conditions are unsuitable for external monitoring, another method of release detection must be used.

(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, 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. Vapor monitoring plans shall be performed by December 31, 1998, for UST systems, in accordance with paragraph 62-761.640(2)(d), F.A.C., for storage tank systems using vapor monitoring for release detection.

(h) Release detection shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the release detection method used inoperable. Any component of a storage tank system with secondary containment shall have an interstitial monitoring method meeting the requirements of paragraph 62-761.640(3)(a), F.A.C.

(i) Storage tank systems that store fuel solely for use by emergency power generators installed prior to (effective date of the rule), 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 (effective date of the rule), must meet the release detection requirements of Rule 62-761.600, F.A.C., at installation. Pressurized piping, excluding bulk product piping, shall be equipped with a line leak detector that meets the standards of paragraph 62-761.640(4)(a), F.A.C. Gravity piping systems are exempt from this requirement.

(j) Any storage tank system not provided with a method, or combination of methods, of release detection in accordance with this section, shall be closed in accordance with subsection 62-761.800(2), F.A.C., by the date upon which release detection is to be provided.

(k) Groundwater and vapor monitoring wells meeting the standards for external monitoring specified in paragraphs 62-761.640(2)(a) (d), F.A.C., that are no longer used for release detection, shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 2010. Wells not meeting these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are:

1. Used for contamination assessment purposes as specified in paragraph 62-761.600(2)(d), F.A.C.; or
2. Required by rules adopted by a County government in accordance with Section 376.317, F.S.

(2) Storage Tanks. By December 10, 1990, vehicular fuel petroleum storage tank systems of greater than 550 gallon capacity shall be provided with release detection. Release detection for all other storage tank and integral piping systems in contact with the soil shall be provided by December 31 of the year shown in Table RD.

TABLE RD

| Year Storage Tank System | Year Release | Detection Required | | |
|----------------------------------|--------------|--------------------|------|------|
| | | 1991 | 1992 | 1993 |
| Installed Before 1970 or unknown | 1990 P/RD | | | |

| | | | | |
|-----------|---|----|----|----|
| 1970-1974 | P | RD | | |
| 1975-1979 | P | | RD | |
| 1980-1990 | P | | | RD |

~~P = Installation of Release Detection for Pressurized Piping~~

~~RD = Installation of Release Detection for Tanks and Suction Piping.~~

(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 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. ~~Effective December 31 of the applicable year specified under the schedule in Table RD, any groundwater monitoring plan or spill prevention control and countermeasure plan implemented before December 22, 1990, shall be capable of detecting the leak rate or quantity specified in paragraph 62-761.640(1)(a), F.A.C.~~

(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. Any instance where the mechanical line leak detector is restricting flow 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. 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 shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump 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. 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. Any instance where the monitoring device has shut off the pump 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) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or 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. UST systems that store fuel solely for use by emergency power generators are not required to comply with the release detection standards of Rules 62-761.600 through 62-761.640, F.A.C.~~

~~(5) Records shall be kept for three years in accordance with Rule 62-761.710, F.A.C. Monitoring wells shall meet the standards of subsection 62-761.640(2), F.A.C., by December 31, 1998. Wells that do not meet these standards shall be closed in accordance with subsection 62-532.500(4), F.A.C., by December 31, 1998, unless the wells are required by a rule that was adopted by a County government in accordance with Section 376.317, F.S. However, if a monitoring well is used solely for the purpose of monitoring petroleum contamination in accordance with Chapter 62-770, F.A.C., the well does not have to be closed until the completion of the site rehabilitation pursuant to Chapter 62-770, F.A.C. Covers of leak detection monitoring wells redesignated as site assessment wells by the facility owner or operator shall be colored black with a white circle within the black background. The diameter of the white circle shall be approximately one half the diameter of the manhole cover, or approximately four inches.~~

~~Rulemaking Authority 376.303 FS. Law Implemented 376.303; 376.3072 FS. History—New 12-10-90, Formerly 17-761.600, 62-761.610, 62-761.640, Amended 7-13-98, 6-21-04, _____.~~

~~62-761.610 Release Detection Methods.~~

~~Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.610, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.~~

~~62-761.640 Performance Standards for Release Detection Methods.~~

~~Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.640, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.~~

Substantial rewording of Rule 62-761.700, F.A.C., follows. See Florida Administrative Code for present text.

62-761.700 Repairs, Operation and Maintenance of Storage Tank Systems.

(1) Repairs.

(a) Repairs shall be performed, as necessary, 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 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.

(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.

(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 NACE International Standards SP0169-2013, incorporated by reference in subparagraph 62-761.500(3)(d)2., F.A.C., and SP0285-2011, incorporated by reference in subparagraph 62-761.500(2)(c)4., F.A.C.; or STI R051-06 *Cathodic Protection Testing Procedures for sti-P3® UST's*, (R051), Revised

January 2006, as applicable, regardless of the date of installation of the storage tank system. STI R051-06, Revised January 2006, is hereby adopted and incorporated by reference, and available from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or the publisher's website at <http://www.nace.org/>, or the Department address listed 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.

(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 or PEI/RP1200-12, 2012 Edition, incorporated by reference in subparagraph 62-761.500(1)(b)5., F.A.C. 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;

b. Below-grade piping sumps shall be tested by October 13, 2018, and every three years thereafter;

c. Below-grade dispenser sumps shall be tested by October 13, 2018, and every three years thereafter;

d. Double-walled spill containment systems shall be tested by October 13, 2018, and every three years thereafter;

e. All single-walled spill containment systems shall be tested within one year of (*effective date of the rule*), and at intervals not exceeding every 12 months thereafter; and

f. 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 removal.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, 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.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, 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, _____.

62-761.710 Recordkeeping.

(1) All records, whether in paper or electronic format, shall be dated, ~~maintained in permanent form~~, 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 working days of receipt of the Department's or County's request ~~notice~~. Site access to the facility shall be provided for compliance inspections conducted at reasonable times.

(2) Records of the following, generated on or after (*effective date of the rule*) are required to be kept for three two years; ~~Records of the following, generated before (*effective date of the rule*) are required to be kept for two years:~~

(a) ~~Measurements and reconciliations of inventory, as applicable;~~

(b) Repair, operation, and maintenance records;

(b)(e) ~~All r~~Release detection results, including a record or summary of the alarm history, sensor status, and testing results for electronic systems, ~~electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraph 62-761.600(1)(e)62-761.640(2)(e),~~

F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;

~~(c)(d)~~ All test data and results gathered during annual operability tests and integrity tests~~Release detection response level descriptions; and~~

~~(e)~~ A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-761.850, F.A.C.;

~~(f)~~ Certification of Financial Responsibility on Form 62-761.900(3);

~~(d)(g)~~ Records of the types of fuels stored per tank;~~and~~

~~(h)~~ The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.

(3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:

(a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment~~Results of internal inspections and non-destructive testing;~~

(b) Any performance claims for release detection equipment described in writing by the equipment manufacturer or installer;

~~(e)~~ Records of storage tank system installations, replacements, recertifications, and upgrades;

~~(c)(d)~~ Records of installation, maintenance, inspections, and testing of cathodic protection systems in accordance with NACE and STI standards;

~~(d)(e)~~ Survey drawings as specified in paragraph 62-761.500(1)(i), F.A.C.~~Site suitability determinations in accordance with subsection 62-761.640(2), F.A.C.;~~

~~(e)(f)~~ A copy of all INFs, and the results of all incident investigations as specified in Rule 62-761.430, F.A.C.~~Vapor monitoring plans and all records kept pursuant to the plan;~~

~~(f)(g)~~ A copy of all DRFs~~Closure assessment reports if the location continues as a facility; and~~

~~(g)(h)~~ A copy of all documents required in Rule 62-761.800, F.A.C., if the location continues as a facility~~Verification from a Certified Contractor of the existence of a single check valve beneath the suction pump for suction piping systems.~~

(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, ~~376.322(3)~~ FS. Law Implemented 376.303, ~~376.322~~ 403.091 FS. History—New 12-10-90, Formerly 17-761.710, Amended 9-30-96, 7-13-98, ~~Repromulgated~~ 6-21-04,

62-761.800 Out-of-Service and Closure Requirements.

(1) No change.

~~(a) General.~~

~~1.~~ Storage tank systems that are taken out-of-service, as required in this subsection as defined in subsection 62-761.200(40), F.A.C., 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:

1a. Continue to operate and maintain corrosion protection in accordance with subsection 62-761.700(2) paragraph 62-761.700(1)(b), F.A.C.;

2b. Continue to maintain and demonstrate financial responsibility pursuant to Rule 62-761.420, F.A.C.~~Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-761.640(2), F.A.C.;~~

3e. Leave vent lines open and functioning;

4d. 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~~Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and~~

5e. Secure or close off the system to outside access.

(c)2- 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. 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. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.~~

~~(d)3- Release detection device annual operability testing, containment and interstitial integrity testing, and annual overfill protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date 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 (effective date of the rule) that have been out-of-service for more than 730 days shall perform interstitial integrity testing of the storage tank and integral piping before adding regulated substances to the storage tank system. Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out-of-service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-761.800(2), F.A.C.~~

~~(e)4. Storage tank systems with secondary containment 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. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., as applicable, on any systems being returned to service.~~

~~(b) Before being returned to service, the following tests shall be performed in accordance with subsection 62-761.640(3), F.A.C., for systems that are taken out of service for more than 180 days:~~

- ~~1. A tightness test for single-walled systems; or~~
- ~~2. A breach of integrity test for double-walled Category C systems.~~

~~(e) Single-walled systems that are taken out of service shall not be kept out of service longer than two years for corrosion-protected systems or one year for unprotected bare steel systems. After the end of these time periods, the systems shall either be upgraded or permanently closed.~~

~~(2) No change.~~

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

~~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. Closure of storage tank systems shall be performed by:~~

- ~~a. Removing all liquids and accumulated sludges;~~
- ~~b. Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~

~~e. Closing the storage tank system in accordance with paragraphs 62-761.800(2)(b), F.A.C., as applicable; and~~

~~d. Conducting a closure assessment in accordance with subsection 62-761.800(3), F.A.C.~~

~~2. A storage tank system that requires repair pursuant to Rule 62-761.700, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed. After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.~~

~~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. Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-761.600(1)(k), F.A.C.~~

~~(b) Closure of storage tank systems shall be performed by: Unmaintained systems shall be permanently closed within 90 days of discovery.~~

~~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, which shall be in accordance with the following documents, hereby adopted and incorporated by reference, and available from the addresses given, regardless of the date of installation of the storage tank system: *Closure of Underground Petroleum Storage Tanks*, API Recommended Practice 1604, 3rd Edition, March 1996 (Reaffirmed, November 2001), 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/>; and *Temporarily Out of*~~

Service, Closure in Place, or Closure by Removal of Underground Storage Tanks, NFPA 30 (Annex C), 2015 Edition, 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/. 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, 3rd Edition, March 1996 (Reaffirmed, November 2001). 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.

(e) System removal, closure in place, and disposal shall be performed:

1. In accordance with API RP 1604 and NFPA 30; and

2. By a Certified Contractor if the system is removed from the ground, unless it is closed in place by filling it with a solid inert material of sufficient density to prevent a structural collapse of the closed system.

(3) Closure Integrity Report, Closure Report, and Limited Closure Report Requirements Closure assessment of storage tank systems.

(a) Closure Integrity Report At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.

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 If a Site Rehabilitation Completion Order (SRCO) or a Monitoring Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.

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. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

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*, 2016 Edition, hereby adopted and incorporated by reference, and available at www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department address given in paragraph 62-761.210(1)(e), F.A.C., or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, regardless of the date of installation of the storage tank system or system component being closed.

6. The owner or operator who does not conduct a Closure Integrity Evaluation 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*, 2016 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*, 2016 Edition, a Closure Report 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. The Closure Report shall be prepared in accordance with *Instructions for Conducting Sampling During Underground Storage Tank Closure*, 2016 Edition. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection

~~Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP's "Storage Tank System Closure Assessment Requirements";~~

~~2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure; and~~

~~3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-761.640(3)(a), F.A.C.;~~

~~(c) Limited Closure Report. In cases where a Closure Integrity Evaluation passed or where a failed Closure Integrity Evaluation was investigated prior to closure and it was demonstrated that a discharge did not occur, Form 62-761.900(8), Limited Closure Report Form for USTs, incorporated by reference in paragraph 62-761.405(2)(c), 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. Closure assessment sampling and analysis shall be conducted according to DEP's "Storage Tank System Closure Assessment Requirements."~~

~~(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-761.800(3)(a), F.A.C. The report shall include sample types, sample locations and measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP's "Storage Tank System Closure Assessment Requirements."~~

~~(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C.~~

~~Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.3071 FS. History—New 12-10-90, Formerly 17-761.800, Amended 9-30-96, 7-13-98, 6-21-04, _____.~~

62-761.820 Incident and Discharge Response.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.820, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

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

(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 alternate procedures or requirements on Form 62-761.900(4), Alternative Procedure Form, effective date, (effective date of the rule), hereby adopted and incorporated by reference. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm.

(b) The request shall set forth at a minimum the following information:

1. No change.

2. The specific provisions of this Chapter 62-761, F.A.C., from which an exception is sought;

3. through 4. No change.

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 established requirement; and

6. No change.

7. If an alternative alternate 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: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(1), F.A.C., are met.

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 Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval. 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 ~~R~~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~~Equipment approvals.~~

(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. Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:

(b) Any storage tank system equipment installed after (effective date of the rule) must be registered with the Department in accordance with this subsection. Upon discovery, non-registered storage system equipment installed after (effective date of the rule) must be removed within 90 days, unless registration is 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 (effective date of the rule) 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, (effective date of the rule), hereby adopted and incorporated by reference. To obtain copies of this form see Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.h>

tm. The following storage tank system equipment is exempt from registration:

1. No change.
2. ~~Monitoring well bailers;~~
3. ~~Manhole and fillbox covers;~~
- 3.4. Valves and ball float valves;
- 4.5. Cathodic protection test stations;
6. ~~Metallic bulk product piping;~~
- 5.7. ~~Small diameter~~ Integral piping not in contact with soil, unless the integral piping extends over or into surface waters; ~~and~~
- 6.8. ~~Vent lines; and~~
7. Gauges used for vacuum and pressure monitoring.

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

(f)(e) ~~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; ~~and~~
3. A professional certification or determination that the equipment meets the performance requirements standards contained in this Chapter; Rule 62-761.500, F.A.C.
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)(d) ~~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. Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-761.850(2), F.A.C., are met.~~

(h)(e) Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection prior to being used. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(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 (effective date of the rule). 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, _____.

62-761.900 Storage Tank Forms.

The forms used by the Department in the Storage Tank System Program are adopted and incorporated by reference in this section. The forms are listed by form number, which is also the form number, and with the subject title, and effective date, and include the Rule where the form is incorporated by reference. Copies of forms are available may be obtained by writing to the Administrator, Storage Tank Regulation Section, Division of Waste Management, Florida Department of Environmental Protection, 2600 Blair Stone Road, M.S. 45004525, Tallahassee, Florida 32399-2400, or available online at www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. For electronic submittal of the Registration Form go to <http://www.fldeportal.com/go/submit-registration/>.

(1) Form 62-761.900(1) Discharge Report Form, (effective date of the rule), incorporated by reference in subsection 62-761.405(4), F.A.C., and referenced in subsection 62-761.200(21), F.A.C. July 13, 1998.

(2) Form 62-761.900(2) Storage Tank Facility Registration Form, (effective date of the rule), incorporated by reference in paragraph 62-761.400(1)(b), F.A.C., and referenced in subsections 62-761.200(39) and (47), F.A.C. July 13, 1998.

(3) Form 62-761.900(3) Financial Mechanisms for Storage Tanks, (effective date of the rule), incorporated by reference in subsection 62-761.420(3), F.A.C. Certification of Financial Responsibility, July 13, 1998.

(4) Form 62-761.900(4) Alternative Requirement or Procedure Form, (effective date of the rule), incorporated by reference in paragraph 62.761.850(1)(a), F.A.C. July 13, 1998.

(5) Form 62-761.900(5) Underground Storage Tank Installation and Removal Form for Certified Contractors, (effective date of the rule), incorporated by reference in paragraph 62-761.400(1)(c), F.A.C., and referenced in subsection 62-761.200(5), F.A.C. July 13, 1998.

(6) Form 62-761.900(6) Incident Notification Form, (effective date of the rule), incorporated by reference in subsection 62-761.405(3), F.A.C., and referenced in subsection 62-761.200(28), F.A.C. July 13, 1998.

(7) Form 62-761.900(7) Closure Integrity Evaluation Report Form for USTs, (effective date of the rule), 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. ~~Monthly Statistical Inventory Reconciliation (SIR) Report, July 13, 1998.~~

(8) ~~Form 62-761.900(8) Limited Closure Summary Report Form for USTs, (effective date of the rule), incorporated by reference in subsection 62-761.420(2), F.A.C. and referenced in subsection 62-761.200(34), F.A.C. July 13, 1998.~~

(9) ~~Form 62-761.900(9) Storage Tank Equipment Registration Form, (effective date of the rule), incorporated by reference in paragraph 62-761.850(2)(d), F.A.C.~~

~~Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New 12-10-90, Formerly 17-761.900, Amended 9-30-9698, 7-13-98, Repromulgated 6-21-04, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
William E. Burns, Jr.

Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399, bill.burns@dep.state.fl.us or (850) 245-8842

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jonathan P. Steverson, Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 7/18/2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 11/19/2013

DEPARTMENT OF ENVIRONMENTAL PROTECTION

| RULE NO.: | RULE TITLE: |
|------------|---|
| 62-762.101 | Intent |
| 62-762.201 | Definitions |
| 62-762.211 | Reference Guidelines Standards |
| 62-762.301 | Applicability |
| 62-762.401 | Facility Registration and Financial Responsibility |
| 62-762.411 | Notification |
| 62-762.421 | Financial Responsibility |
| 62-762.431 | Incidents |
| 62-762.441 | Discharges |
| 62-762.451 | Notification and Reporting |
| 62-762.501 | Storage Tank System Requirements for Shop Fabricated Performance Standards for Category-C Storage Tanks Systems |
| 62-762.502 | Storage Tank System Requirements for Field Erected Storage Tanks |
| 62-762.511 | Performance Standards for Category-A and Category-B Storage Tank Systems |
| 62-762.601 | Release Detection Requirements for Shop Fabricated Storage Tanks Standards |
| 62-762.602 | Release Detection Requirements for Field Erected Storage Tanks |
| 62-762.611 | Release Detection Methods |
| 62-762.641 | Performance Standards for Release Detection Methods |
| 62-762.701 | Repairs, Operation and Maintenance of Shop Fabricated Storage Tanks Systems |
| 62-762.702 | Repairs, Operation and Maintenance of Field Erected Storage Tanks |
| 62-762.711 | Recordkeeping |
| 62-762.801 | Out-of-Service and Closure Requirements for Shop Fabricated Storage Tanks |
| 62-762.802 | Out-of-Service and Closure Requirements for Field Erected Storage Tanks |
| 62-762.821 | Incident and Discharge Response |
| 62-762.851 | Alternative Procedures Requirements and Equipment Registration Approvals |
| 62-762.891 | Mineral Acid Storage Tank Requirements |
| 62-762.901 | Storage Tank Forms |

PURPOSE AND EFFECT: The Department is proposing to amend Chapter 62-762, F.A.C., to streamline and clarify regulatory language that has become increasingly complex and difficult to implement through multiple language revisions over the past 24 years. Rules have been reorganized by topic to help stakeholders quickly find and understand rule requirements. The proposed revisions have been developed with input from industry stakeholders, subject matter experts, and inspectors to streamline and clarify the regulations for industry and Agency staff.

SUMMARY: In the “Definition” Rule, the Department removed definition terms that are in the statute or no longer used in rule and added certain terms for clarity. The “Reference Standards” Rule is renamed “Reference Guidelines” and Internet web addresses are added for those technical requirements providing digital access for industry. Technical requirements that are incorporated by reference have been updated to conform to revisions published and adopted by the American Society of Mechanical Engineers, Petroleum Equipment Institute, National Fire Protection Association, National Institute of Standards and Technology and the National Leak Prevention Association. Additionally, the requirements referenced in these documents are likewise incorporated by reference. Pursuant to Joint Administrative Procedures Committee direction, the Department created Appendix A listing Secondary References for documents that were listed in the primary references, but not cited. In the “Applicability” Rule, grandfathering language is added for those secondarily contained tanks installed under prior Rule requirements, revisions remove terms and text that are redundant or no longer applicable and clarify text that may conflict with other regulations found in the Contaminated Site Cleanup Criteria rules, Chapter 62-780, F.A.C. This Rule further clarifies certain exemptions including defining “small quantities” of regulated substances, and clarifies those pipelines that are exempt from this Chapter. Additionally, this proposed revision adds exemptions for storage tank systems that contain a regulated substance at low concentrations. The language is also updated to be consistent with other language in the proposed Rule Chapter and to provide some additional minor clarifications that are needed. In the “Facility Registration” section, registration requirements are clarified and provide detail about registration placards. The title is also updated to include the term “Facility.” The Financial Responsibility provisions are proposed to be relocated into stand-alone Rule 62-762.421, F.A.C., and maintains existing language. The “Notification” Rule creates a complete list from other sections of the current rule for when the Department must be informed of certain events and also includes updates to be consistent with Chapter 62-761, F.A.C. “Incidents” and “Discharges” are separated in to two rule sections for clarity. The Rule proposes to provide additional time for the tank owner to conduct an initial incident investigation, thereby expanding time for notification to the Department for unresolved incidents. Language is revised to define types of discharges and broadens discharge response to coordinate with language and tables in Chapter 62-780, F.A.C. Based on a request for clarity from the regulated community, Storage Tank System Requirements; Release Detection Requirements; Repairs, Operation and Maintenance; and Out-of-Service and Closure Requirements are separated into two Rules each based

on tank type. One for shop fabricated storage tanks and the other for field erected storage tanks. “Storage Tank System Requirements” for each tank type is completely rewritten to provide a direct description of existing requirements and also includes any updates to be consistent with Chapter 62-761, F.A.C. Outdated requirements for older non-compliant tanks are to be repealed in Rule 62-762.511, F.A.C. The “Release Detection” Rules were combined into one Rule for each tank type. This creates a comprehensive list for release detection requirements for clarity, and also clarifies the topic of integrity testing under operation and maintenance, including a schedule for containment and integrity testing. The “Repairs, Operation and Maintenance” Rule has been completely rewritten to provide a more logical flow of information for regulated community. The proposed revision eliminates confusing or outdated language in the “Recordkeeping” Rule. The number of years to retain records is increased from two to three years allowing the Department to move from an annual inspection to a triennial inspection cycle. This would provide flexibility in the Department’s inspection frequencies while maintaining record keeping requirements that are consistent with inspection frequencies under federal programs and also includes updates to be consistent with Chapter 62-761, F.A.C. Proposed revisions to the “Out-of-Service and Closure Requirements” reduces the requirement for storage tank owners to conduct closure sampling at facilities with secondarily contained tank systems. Those secondarily contained tank systems that pass a closure integrity evaluation will not have to conduct environmental sampling at closure, significantly reducing costs of closing a tank system to the tank owner. It also includes updates to be consistent with Chapter 62-761, F.A.C. “Alternative Requirements and Equipment Registration” is proposed to be revised from the current approval process to a simpler registration process. This would reduce regulatory process and cost to industry while maintaining adequate safeguards and environmental protections. The “Mineral Acid” Rule removed statutory definitions and synced this Rule with the proposed rule language where applicable. A “Storage Tank Forms” Rule has been created to alleviate the burden for the regulated community of searching in Chapter 62-761, F.A.C., for required forms.

OTHER RULES INCORPORATING THIS RULE: 62-521.400, 62-710.300, 62-710.401, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-780.210, and 62-780.600, F.A.C.

EFFECT ON THOSE OTHER RULES: Amendments to Chapter 62-762, F.A.C., in this Notice of Proposed Rule are not expected to have any significant impact on the following rules: 62-521.400, 62-710.300, 62-710.401, 62-740.030, 62-740.100, 62-740.200, 62-740.300, 62-780.210, and 62-780.600, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that the proposed rule revisions will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. Based on an evaluation of financial information provided by compliance and maintenance service providers to the industry, the effect of the Rule would reduce costs associated with compliance with the current regulation. Therefore, the Agency has determined that a SERC is not required and the proposed rule is not expected to require legislative ratification. The increased costs to regulated businesses affected by the revisions to Chapter 62-762, F.A.C., are expected to be more than fully offset by the reduced costs attributable to changes in testing, monitoring, reporting of incidents, and closure. The Department is expected to incur a slight increase in costs due to the requirements of the revisions for secondary references. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 376.303, 376.309, 376.322(3), 403.087, F.S.

LAW IMPLEMENTED: 376.031, 376.30, 376.301, 376.303, 376.3073, 376.3077, 376.308, 376.309, 376.320, 376.321, 376.322, 376.322(3), 376.323, 376.324, 376.325, 403.087, 403.091, 403.141, 403.161, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: August 23, 2016, 1:30 p.m. until no later than 3:00 p.m. EDT

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, Tallahassee, Florida, 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the Agency at least 5 days before the workshop/meeting by contacting: William E. Burns, Jr., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399, bill.burns@dep.state.fl.us or (850)245-8842. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William E. Burns, Jr.

Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399, bill.burns@dep.state.fl.us or (850)245-8842

THE FULL TEXT OF THE PROPOSED RULE IS:

62-762.101 Intent.

(1) ~~Except for aboveground mineral acid storage tank systems, the purpose of this Chapter is to provide requirements standards for the registration, construction, installation, operation, maintenance, repair, closure, and disposal of aboveground storage tank systems that store regulated substances, and in order to minimize the occurrence and environmental risks of releases and discharges. This Chapter provides requirements standards for aboveground storage tank systems having individual storage tank capacities greater than 550 gallons.~~

(2) For mineral acid storage tank systems, the purpose of this Chapter is to minimize the occurrence and environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid. Mineral acid storage tank systems are only subject to Rule 62-762.891, Florida Administrative Code (F.A.C.).

(3) For compression vessels and aboveground hazardous substance storage tank systems with individual capacities greater than 110 gallons, ~~the purpose of this Chapter is to establish a registration program for compression vessels and aboveground hazardous substance storage tank systems with individual capacities greater than 110 gallons.~~ These systems are only subject to Rule subsections 62-762.401(1)-(2), F.A.C.

(4) This Chapter implements the requirements of Chapter 376, Florida Statutes (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.

(5) Site access to the facility, 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 safely access storage tank system components for inspection purposes and demonstrate operational functionality of electronic equipment.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.3073, 376.322(3), 403.091 FS. History—New 6-21-04, Amended _____.

62-762.201 Definitions.

All words and phrases defined in Sections 376.031 and 376.301, F.S., shall have the same meaning when used in this

Chapter unless specifically stated otherwise in this Chapter. See Sections 376.031 and 376.301, F.S., for definitions of the following terms: “Bulk product facility,” “Compression vessel,” “Contaminant,” “Contaminated site,” “Department,” “Discharge,” “Facility,” “Flow-through process tank,” “Hazardous substances,” “Operator,” “Owner,” “Petroleum products,” “Pollutants,” “Transfer” or “transferred,” and “Vessel”. The following words, and phrases or terms used in this Chapter shall, unless the context indicates otherwise, shall have the following meaning:

(1) ~~“Airport or seaport hydrant piping” means the pressurized integral piping system, including hydrant pits, associated with petroleum storage tank systems serving airports, seaports, or military bases.~~

(2) “Ammonia” includes organic amines and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, release free ammonia (NH₃), or ammonium ion (NH₄⁺).

(2)(3) “AST” means an aboveground storage tank.

(4) ~~“AST Category A system” means a system that was installed on or before March 12, 1991.~~

(5) ~~“AST Category B system” means a system that was installed after March 12, 1991, and before July 13, 1998.~~

(6) ~~“AST Category C system” means a system that was installed on or after July 13, 1998. ASTs that are removed and relocated after July 13, 1998 are considered Category C systems.~~

(3) “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.

(7) ~~“Bulk product facility” means a waterfront location with at least one aboveground tank with a capacity greater than 30,000 gallons that is used for the storage of pollutants.~~

(4)(8) “Bulk product piping” means on-site integral piping with an internal diameter greater than three inches that:

(a) ~~Originates at the first stationary or landward valve from a vessel loading or unloading area, and that delivers regulated substances up to and including the first valve within the dike field area of a bulk product facility; or~~

(b) ~~Is utilized for transporting regulated substances.~~

(5)(9) “Cathodic protection” means a method of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the use of devices such as galvanic anodes or impressed current.

(6)(10) “Cathodic Protection Tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current,

structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems and be certified as a NACE or STI cathodic protection tester.

(7)(11) “Chlorine” includes organic and inorganic compounds that are liquids at standard temperature and pressure that, when discharged, may release free chlorine (Cl₂) or chlorides (Cl⁻).

(8) “Closure Integrity Evaluation for shop fabricated storage tank systems” is an assessment of shop fabricated storage tank system integrity for storage tanks, integral piping, piping sumps, dispenser sumps, and spill containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled piping sump, dispenser sump, or spill containment system.

(9) “Closure Integrity Evaluation for field erected storage tank systems” is an assessment of field erected storage tank system integrity for storage tanks, integral piping, hydrant sumps, and containment systems that are in contact with the soil, that is performed by a third-party inspection or testing entity at closure or replacement. The evaluation is a physical test of interstitial tightness or visual inspection of the interstice of a secondarily contained storage tank system, secondarily contained storage tank system component, or a containment integrity test of a single-walled hydrant sump or containment system.

(10) “Closure Integrity Report” means Closure Integrity Evaluation Report Form for ASTs 62-762.901(7), incorporated by reference in paragraph 62-762.411(2)(c), F.A.C.

(11) “Closure Report” is a report prepared in accordance with *Instructions for Conducting Sampling During Aboveground Storage Tank Closure.*

(12) No change.

(13) ~~“Compression vessel” means any stationary aboveground container, tank, or on site integral piping system, or combination thereof, that has a capacity of greater than 110 gallons and that is primarily used to store pollutants or hazardous substances above atmospheric pressure or at a reduced temperature in order to lower the vapor pressure of the contents. Manifold compression vessels that function as a single vessel shall be considered as one vessel.~~

(13) “Containment” means a sufficiently impervious structure, release prevention barrier, or device designed to prevent the discharge of regulated substances in the event of a release.

(14) ~~“Contamination” or “contaminated” means the presence of regulated substances in surface water, groundwater, soil, sediment, or upon the land, in quantities that result in exceedances of applicable cleanup target levels in Chapter 62-770, F.A.C., where petroleum or petroleum products are present, or water quality standards in Chapter 62-3, 62-302, 62-520, or 62-550, F.A.C.~~

(15) ~~“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 Corrosion Specialist or a Cathodic Protection Specialist, or be a professional engineer licensed registered in the State of Florida. Corrosion professionals using vapor corrosion inhibitor technologies for corrosion control must have experience with and knowledge of vapor corrosion inhibitors. Vapor corrosion inhibitors must be registered in accordance with Rule 62-762.851(2), F.A.C. Installers of vapor corrosion inhibitors must have certification from the VCI equipment registration holder.~~

(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) ~~“Cut and cover tank” means a tank that is constructed with steel or reinforced concrete that is surrounded by soil above the natural surface of the ground.~~

(17) “Day tank” means a shop fabricated storage tank with a capacity of less than or equal to 550 gallons, connected to a regulated tank by way of integral piping, that contains the amount of fuel commonly used in a 24-hour period.

(18) “Dike field area” means the area around the tank or tanks that extends from the circumference of the base of a storage tank AST to the top of the berm, dike, or retaining wall surrounding the tank.

(19) ~~“Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which occurs and which affects lands and the surface and ground waters of the state.~~

(20) “Discovery” means:

~~(a) Either actual knowledge or knowledge of facts that could reasonably lead to actual knowledge of the existence of a previously unreported incident, release, or discharge, or an unmaintained storage tank system; or~~

~~(b) Discovery as specified in the Petroleum Contamination Site Cleanup Criteria subsection 62-770.200(7), F.A.C.~~

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

~~(22) “Dispenser liner” means a liner installed as secondary containment beneath a dispenser to prevent discharges of regulated substances.~~

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

~~(23) “Dispensing system” or “Dispenser” means equipment that is used to transfer pollutants regulated substances from integral piping through a rigid or flexible hose to a vehicle or portable container or pipe to another point of use outside of the storage tank system.~~

(22) “Docklines” means piping originating at the first shore side valve after the marine transfer area, as determined by the U.S. Coast Guard Captain of the Port, and terminating at the:

(a) First valve inside the dike field area or other approved containment within a bulk product facility;

(b) Valve or manifold nearest to the double-walled storage tank that the piping conveys regulated substance to at a bulk product facility; or

(c) Valve or manifold nearest to the storage tank containing high viscosity product that piping conveys regulated substance to at a bulk product facility.

(23)(24) “Double-bottomed” means a storage tank AST that has secondary containment in the form of an outer tank bottom having an a-closed interstitial space between the primary tank bottom and the secondary outer tank bottom.

~~(24)(25) “Double-walled” means a storage tank system or system component that has an outer tank wall, or integral piping that has an outer wall that provides secondary containment of the primary tank or piping.~~

(25) “DRF” means Discharge Report Form 62-762.901(1).

(26) No Change.

(27) “Existing contamination” means:

~~(a) The presence of free product or sheen on the groundwater;~~

~~(b) The presence of vapor levels in monitoring wells measured in accordance with DEP’s “Guidelines for Vapor Monitoring” or by a Flame Ionization Detector or an equivalent instrument in excess of:~~

1. 500 parts per million total petroleum hydrocarbons for storage tank systems containing gasoline or equivalent petroleum products; or

2. 50 parts per million total petroleum hydrocarbons for storage tank systems containing kerosene, diesel or other equivalent petroleum products;

(e) Results of analytical tests on a groundwater sample that:

1. Exceed the cleanup target levels for petroleum products' chemicals of concern specified in Table V of Chapter 62-770, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph (c)1. above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph (c)1. above; or

(d) After July 13, 1998, results of analytical tests on a soil sample that:

1. Exceed the lower of direct exposure I and leachability Table V cleanup target levels for petroleum products' chemicals of concern listed in Table IV of Chapter 62-770, F.A.C.; or

2. Indicate the presence of a hazardous substance that is not described in subparagraph (d)1. above; or

3. Indicate the presence of a regulated substance that is not described in subparagraph (d)1. above.

(28) "Facility" means a nonresidential location containing, or that contained, any stationary tank or tanks containing, or that contained regulated substances, and that have, or had, individual capacities greater than 550 gallons for AST systems.

(27)(29) "Field-erected storage tank" means a storage tank an AST that is constructed by assembling it on-site at the facility.

(30) "Flow through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow through process tanks include tanks associated with vapor recovery units and oil-water separators. Flow through process tanks do not include storage tanks used for the storage of regulated substances before their introduction into the production process or for the storage of finished products or by products from the production process.

(28)(31) "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, floating on water, surface water or groundwater.

(32) "Hazardous substances" means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of

1980, Pub. L. No. 96-510, 94 Stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(33) "Heating oil" means any petroleum based fuel used in the operation of heating equipment, boilers, or furnaces.

(29)(34) "High viscosity product" means a regulated substance pollutant with a viscosity of 30 centistokes (cSt) and higher at 40 degrees Centigrade, such as American Society for Testing and Materials (ASTM) grades 5 and 6 residual oils, intermediate fuel oils, or Bunker C fuel.

(30) "Hydrant piping" means a continuously pressurized integral bulk product piping system with hydrant pits used for distributing product.

(31) "Hydrant Sumps" or "Hydrant Pits" means 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.

(35) "Hydraulic lift tank" means a tank that holds hydraulic fluid for a closed-loop mechanical system used to operate lifts, elevators, and other similar devices.

(32)(36) "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 to test the integrity of the tank or system component.

(33)(37) "Impervious" means:

(a) A synthetic material or another material registered approved in accordance with subsection 62-762.851(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 62-762.211(1), F.A.C., or from the publisher at ACI, 38800 Country Club Drive, Farmington Hills, Michigan 48331-3439, or at: <http://www.concrete.org/> ACI 350R-89 and ACI 224R-89; 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 62-762.211(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, or from the publisher's website at <http://www.nace.org/NACE-International-Standard-RP0892-92>.

~~(34)~~(38) “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.~~integral piping connected to ASTs or any portion of a tank, that:~~

~~(a) Physically touches the soil; or~~

~~(b) Is not in direct contact with the soil, and is separated from the soil only by a casing, wrapping, or other material that is not impervious.~~

~~(c) Those portions of integral piping that are elevated and that are not in direct contact with the soil are excluded from this definition.~~

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

(36)~~(40)~~ “Industrial occupancy building” is an enclosed structure that contains a storage tank AST system that is used in association with an industrial or manufacturing process, or for electric power generating utilities, provided that the building was constructed and is used primarily for industrial, manufacturing, or electric power generating purposes, and not solely for the purpose of storing regulated substances. An industrial occupancy building is a structure that has an impervious floor (without valves, drains, or other openings) that prevents would permit regulated substances from being pollutants to be discharged. Industrial occupancy buildings constructed between July 13, 1998, and (effective date of the rule), must meet the applicable regulatory requirements in this Chapter in effect at that time. Industrial occupancy buildings constructed after (effective date of the rule) July 13, 1998, must:

(a) Be constructed in accordance with *Flammable and Combustible Liquids Code, Storage Tank Buildings, Chapter 24 of NFPA 30, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at [\(b\) Have at least Type II construction in accordance with *Standard on Types of Building Construction, NFPA 220, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211\(1\), F.A.C., or from the publisher at NFPA, 1*](http://www.nfpa.org/NFPA-30, Section 2-5, Installation of Tanks Inside of Buildings, and Section 5-3, Facility Design;</i></u></p>
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Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA-220, Chapter 3;

(c) Be ventilated in accordance with *Standard on Explosion Protection by Deflagration Venting, NFPA 68, 2013 Edition; and Standard on Explosion Prevention Systems, NFPA 69, 2014 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/NFPA-68 and 69; and*

(d) Be verified as meeting the above construction requirements by either a registered architect or a professional engineer licensed registered in the State of Florida.

(37) “INF” means Incident Notification Form 62-762.901(6), incorporated by reference in subsection 62-762.411(4), F.A.C.

~~(38)~~(41) “In-service” means a storage tank system where the owner or operator has not reported to the Department pursuant to subsection 62-762.401(2), F.A.C., that the tank is out-of-service pursuant to subsection 62-762.801(1) or 62-762.802(2), F.A.C., or temporary out-of-service pursuant to subsection 62-762.802(1), F.A.C. that is being actively maintained and operated in accordance with this chapter. Non-compliance with any specific rule within this chapter does not exclude the system from being considered “in service.” Subject to the above, a storage tank system is also considered to be in service if it:

~~(a) Contains regulated substances or has regulated substances regularly added to or withdrawn from the system;~~

~~(b) Is emptied solely for the purpose of cleaning, routine maintenance, or a change in product, for a time period not exceeding 45 days; or~~

~~(c) Contains non-regulated substances and is still maintained in an in service status at the request of the owner or operator.~~

(39)~~(42)~~ “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, pipeline facilities, and vent lines, are not considered integral piping. Integral piping is not considered on-site if the piping crosses state boundaries, or two or more county boundaries. 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 dispensing system;

(b) Fill cap or fill valve;

(c) Forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use; or

(d) First flange or connection within the loading rack containment area; or-

(e) First shoreside valve after the marine transfer area for on-site piping at bulk product facilities.

On-site 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.

(40) "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 a storage tank system or system component with an interstitial space using vacuum, pressure, liquid level monitoring systems, or equivalent test methods certified by a Nationally Recognized Testing Laboratory;

(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, and other containment systems.

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

(43) "Internal lining" means a material that is applied internally on AST bottoms or USTs to protect the tank from internal corrosion.

(42)(44) "Interstitial monitoring" is a method of release detection in which the area between the primary and secondary wall of a storage tank or storage tank system component is monitored for signs of release. detection method that is used to determine the presence of regulated substances or water between the primary and secondary containment. Interstitial monitoring can be performed within:

(a) A closed interstitial space between two steel or impervious barriers that are sealed, not open to the atmosphere, and designed to be tested for a breach of integrity of the interstitial space; or

(b) An open interstitial space between two steel or impervious barriers that are open to the atmosphere, and not designed to be tested for a breach of integrity of the interstitial space.

(43) "Limited Closure Report" means Limited Closure Report Form for ASTs 62-762.901(8), incorporated by reference in subsection 62-762.421(2), F.A.C.

(44)(45) "Liner" means an impervious material that meets the performance requirements standards of subparagraph 62-762.501(1)(b)2. or 62-762.502(1)(b)2. paragraph 62-762.501(4)(e), F.A.C., that is used externally as a method of secondary containment.

(46) "Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants) to collect oil, water, and other liquids. Liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(45)(47) "Maintenance" means the normal operational upkeep in accordance with Rules 62-762.701 and 62-762.702, F.A.C., to prevent a storage tank system or system component from releasing or discharging regulated substances.

(46)(48) "Mobile tank" is a shop fabricated storage tank that is:

(a) An AST that is Moved to a different location at least once every 180 days; and

1. Has a current valid vehicle registration with the Florida Department of Highway Safety and Motor Vehicles and has current test and inspection markings in accordance with 49 CFR § C.F.R. 180.415; or

2. Is designed and constructed to be moved to other service locations, and its relocation within a facility or from site to site is inherent in its use; or

(b) Is Used for on-site construction activities, provided that the construction activities do not exceed 12 months, or the life of the construction project as long as construction is continuous, and the tanks are removed from the site when the construction is complete; and

(c)(b) Not considered mobile if it is connected to stationary underground or aboveground integral piping, unless associated with the production of an agricultural commodity, provided that the tank is moved to a different location at least once every 180 days; or

(47)(49) "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 standards of this Chapter. A Nationally Recognized Testing Laboratory shall have at least five years of professional storage tank system equipment testing experience. Nationally Recognized Laboratories include organizations such as Underwriter's Laboratories, Carnegie Mellon Research Institute, Midwest Research Institute, Ken Wilcox Associates, Factory Mutual, and American Board of Engineering and Technology (ABET) Accredited Universities.

(48) "New" means a storage tank system or system component installed after (effective date of the rule).

(49)(50) "On-site" 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 and which~~ may be divided by a public or private right-of-way or an easement. ~~Piping connecting ASTs with pipeline facilities are considered on-site up to the point where it crosses through the dike wall surrounding the AST.~~

(50) "Operability test" means a test performed to determine if electronic and mechanical release detection, and overflow protection devices or systems are functioning as designed and in accordance with manufacturer's specifications.

~~(51) "Operational life" refers to the period from the start of installation of the storage tank system to the completion of the closure of the storage tank system in accordance with subsection 62-762.801(3), F.A.C.~~

~~(52) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.~~

(51)(53) "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 62-762.901(2), incorporated by reference in paragraph 62-762.401(1)(b), F.A.C. that:

~~(a) Is designated as an out of service system by owner or operator notification to the Department on Form 62-761.900(2);~~

~~(b) Is empty as defined in subsection 62-762.201(26), F.A.C.; and~~

~~(c) Does not have regulated substances transferred into or withdrawn from the tank as specified in subsection 62-762.801(2), F.A.C., for a maximum time of:~~

- ~~1. Two years of being taken out of service for USTs; or~~
- ~~2. Five years of being taken out of service for ASTs; or~~
- ~~3. Ten years of being taken out of service for storage tank systems with secondary containment.~~

~~(52)(54) "Overflow" is an incident a release or discharge that occurs when a tank is filled beyond its capacity.~~

(53) "Overflow protection" is a device or method for preventing an incident, release, or discharge from a storage tank during filling of the storage tank system.

~~(55) "Owner" means any person as defined in Section 376.301(23), F.S., owning a facility.~~

(54)(56) "Pesticides" means any substance or mixture of substances, as defined in Section 487.021, F.S., 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 s. 201(w) 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 s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection. means all preparations, products, and substances included in the Department of Agriculture and Consumer Services' Rule 5E-2.002, F.A.C.~~

~~(57) "Petroleum" includes:~~

~~(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and~~

~~(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph (a).~~

~~(58) "Petroleum product" means any liquid fuel commodity made from petroleum.~~

~~(a) Forms of fuel considered to be petroleum products include all fuels known or sold as:~~

- ~~1. Diesel fuel;~~
- ~~2. Kerosene;~~
- ~~3. Gasoline; and~~
- ~~4. Fuels containing mixtures of gasoline and other products.~~

~~(b) Forms of fuel excluded from this definition are:~~

- ~~1. Liquefied petroleum gas;~~
- ~~2. American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils;~~
- ~~3. Bunker C residual oils;~~
- ~~4. Intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher;~~
- ~~5. Asphalt oils; and~~
- ~~6. Petrochemical feedstocks.~~

~~(55)(59) "Pipe" or "piping" means any hollow cylindrical or tubular conveyance through which regulated substances flow.~~

(56)(60) "Pipeline facilities" are pipe systems, rights-of-way and any associated equipment, gathering lines, buildings, or break-out tanks necessary for the long range transportation of regulated substances. Pipeline facilities and associated equipment are regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, pursuant to Title 49, Parts 190-199 of the Code of Federal Regulations.

~~(57)(61) "Piping sump" or "Submersible turbine pump sump" means a storage tank system component liner installed as secondary containment or a monitoring port at the top of a tank or at the lowest point in the integral piping to detect releases.~~

~~(62) “Pollutants” includes any “product” as defined in Section 377.19(11), F.S., pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.~~

~~(58)(63) “Pressure test” means a test to determine the integrity of the primary integral piping performed in accordance with Rules 62-762.601 and 62-762.602 subsection 62-762.641(3)(e)–, F.A.C.~~

~~(59)(64) “Pressurized piping” means piping through which regulated substances are pumped under continuous pressure flow due to a pump that is not located at the dispensing system.~~

~~(60)(65) “Product” as defined in Section 377.19(11), F.S., 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.~~

~~(61) “Registration form” means Storage Tank Facility Registration Form 62-762.901(2), incorporated by reference in paragraph 62-762.401(1)(b), F.A.C.~~

~~(62)(66) “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 when stored in a storage tank an AST.~~

~~(63)(67) “Release” means:~~

~~(a) A discharge; or~~

~~(b) a loss of regulated substances from a storage tank system or system component into the system’s secondary containment.~~

~~(64)(68) “Release detection” means a method of:~~

~~(a) Determining whether a discharge of regulated substances has occurred; or~~

~~(b) 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.~~

~~(69) “Release detection response level” is the point of measurement, calculation, observation, or level that is established for each individual release detection device or method at which an investigation must be initiated to determine if an incident, release, or discharge has occurred.~~

~~(65)(70) “Repair” means to restore or replace any defective or damaged parts of a storage tank system or system component in accordance with subsections 62-762.701(1) and~~

~~62-762.702(1), F.A.C., as applicable. Replacement of a non-defective part is not a repair.~~

~~(66)(71) “Residential storage tank system” means a storage tank system that provides fuel for heating, air conditioning or electricity to a residential structure. That structure is a non-commercial building utilized exclusively as a dwelling unit that is used as a home or residence by one or more persons who maintain a common household, excluding transient occupancies is located on property used primarily for dwelling purposes, and the storage and use of regulated substances in the tank is for residential purposes.~~

~~(67)(72) “Secondary containment” means a release detection and discharge prevention system that meets the performance requirements standards of paragraphs 62-762.501(1)(b)–62-762.501(1)(e), and 62-762.502(1)(b), F.A.C., as applicable. Secondary containment and includes dispenser sumps liners, piping sumps, spill containment systems, the outer wall of double-walled tanks, and integral piping systems, or single-walled tanks or piping systems that are contained within a or the liner or an impervious containment area for single-walled tanks or integral piping. A Release Prevention Barrier, as specified in API Standard 650, 12th Edition, Annex Appendix I, *Welded Tanks for Oil Storage, Undertank Leak Detection and Subgrade Protection*, includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), March 2013, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202)682-8000, or at <http://www.api.org/>, is considered secondary containment for field-erected aboveground storage tank bottoms.~~

~~(68)(73) “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.~~

~~(69)(74) “Shop-fabricated storage tank” means a storage tank an AST that is constructed at the tank manufacturer’s plant and transported to the facility for installation.~~

~~(75) “Significant loss or gain” means the sum of losses and gains of a regulated substance over a 30 day or monthly period that exceeds:~~

~~(a) For tanks with capacities between 111 and 2,000 gallons with an individual flow through less than 5,000 gallons during the previous 30 days:~~

- ~~1. One percent of the tank capacity; or~~
- ~~2. One percent of the total weekly output; or~~
- ~~3. Fifty gallons, whichever is greatest.~~

~~(b) For tanks with capacities between 2,001 and 29,999 gallons, or tanks with an individual flow through exceeding 5,000 gallons during the previous 30 days:~~

- ~~1. One percent of the tank capacity; or~~

~~2. One percent of the amount of product dispensed during the previous 30 days, plus 130 gallons, whichever is greatest.~~

~~(c) For tanks with capacities of 30,000 gallons or greater:~~

~~1. One percent of the tank capacity; or~~

~~2. One half of one percent of the amount of product dispensed during the previous 30 days, whichever is greater.~~

~~(70)(76) "Small diameter piping" means integral piping with an internal diameter of three inches or less that is utilized for transporting regulated substances.~~

~~(71) "Spill containment system" means a fixed component that is designed to prevent a discharge of regulated substances from the tank fill pipe.~~

~~(72)(77) "Storage tank system" means a tank used to contain regulated substances, and all its components, including its integral piping, and all its components, including dispensers dispensing systems, spill containment systems devices, overfill protection systems devices, 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.~~

~~(73) "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, sumps, pumps, including dispensers, spill containment systems, overfill protection systems, secondary containment systems, and any associated release detection equipment.~~

~~(74)(78) "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 dispensing system.~~

~~(75)(79) "Tank" means an 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 less than ten percent buried beneath the surface of the ground. For purposes of this chapter, cut and cover tanks are considered aboveground storage tanks.~~

~~(76)(80) "Temporary out-of-service" means a field erected storage tank system that is designated as temporary out-of-service by the owner or operator to the Department on Form 62-762.901(2), incorporated by reference in paragraph 62-762.401(1)(b), F.A.C. is a designation of a service status for a field erected storage tank system that is emptied solely for the purpose of cleaning, routine maintenance, or change of product for a time period exceeding thirty days, but less than six months.~~

~~(81) "UST" means an underground storage tank.~~

~~(82) "Unmaintained" means:~~

~~(a) A storage tank system that was not closed in accordance with Department rules; or~~

~~(b) An out-of-service storage tank system that is not returned to in-service status within:~~

~~1. Five years of its being out-of-service for ASTs; or~~

~~2. Ten years of its being out-of-service for storage tank systems with secondary containment.~~

~~(83) "Upgrade" means the addition or retrofit of cathodic protection, internal lining, spill prevention, overfill protection, or secondary containment, to a storage tank system, or the installation of single wall corrosion resistant storage tanks, to improve the ability of the storage tank system to prevent discharges of regulated substances.~~

~~(77) "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.~~

~~(84) "Vehicular fuel" means a petroleum product used to fuel motor vehicles, including aircraft, watercraft, and vehicles used on and off roads and rails.~~

~~Rulemaking Specific Authority 376.303 FS. Law Implemented 376.031, 376.301, 376.303 FS. History—New 6-21-04, Amended~~

Substantial rewording of Rule 62-762.211, F.A.C., follows. See Florida Administrative Code for present text.

62-762.211 Reference Guidelines Standards.

(1) Reference guidelines listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., 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, and directly from the source. Secondary references found within the following primary reference guidelines that have insufficient information to obtain those references can be found in the document titled Appendix A – Chapter 62-762, F.A.C., Secondary References located here: www.flrules.org/Gateway/reference.asp?No=Ref-00###. All other secondary references can be obtained through the following reference guidelines.

(2) Titles of documents. References to documents listed in paragraphs 62-762.211(2)(a) through (n), F.A.C., below 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):

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 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>:

1. Specification for Fiberglass Reinforced Plastic Tanks, API Spec 12P, 3rd Edition, October 2008;

2. Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems, API 570, 3rd Edition, November 2009;

3. Design and Construction of Large, Welded, Low-Pressure Storage Tanks, API Std 620, 12th Edition, October 2013;

4. Welded Tanks for Oil Storage, API Std 650, 12th Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), March 2013;

5. Cathodic Protection of Aboveground Petroleum Storage Tanks, API RP 651, 4th Edition, September 2014;

6. Tank Inspection, Repair, Alteration, and Reconstruction, API Std 653, 5th Edition, November 2014;

7. Welding of Pipelines and Related Facilities, API Std 1104, 21st Edition, Includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and Addendum 1 (2014), September 2013;

8. Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide, API RP 1110, 6th Edition, February 2013;

9. Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API RP 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002);

10. Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, API RP 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012). Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###; and

11. Overfill Protection for Storage Tanks in Petroleum Facilities, API RP 2350, 4th Edition, May 2012.

(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 62-762.211(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/>:

1. Process Piping, ASME B31.3, 2014 Edition; and

2. Pipeline Transportation Systems for Liquids and Slurries, ASME B31.4, 2012 Edition.

(d) Energy Institute. A copy of the following document is available at the Department address listed in subsection 62-762.211(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.

(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 <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, or at the following website location: www.flrules.org/Gateway/reference.asp?No=Ref-00###. Instructions for Conducting Sampling During Aboveground Storage Tank Closure, 2016 Edition.

(f) Geosynthetic Institute. A copy of the following document is available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Geosynthetic Institute, 475 Kedron Avenue, Folsom, Pennsylvania 19033-1208, (610) 522-8440, or at <http://www.geosynthetic-institute.org/>. Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes, GRI Test Method GM13, Rev. 12, November 2014. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###.

(g) NACE International. Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>:

1. External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms, NACE Standard RP0193-2001, 2001 Edition;

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

3. External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, NACE Standard SP0285-2011, 2011 Edition; and

4. Coatings and Linings over Concrete for Chemical Immersion and Containment Service, NACE Standard SP0892-2007 (formerly RP0892), 2007 Edition.

(h) National Fire Protection Association (NFPA). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/:

1. Flammable and Combustible Liquids Code, NFPA 30, 2015 Edition;

2. Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A, 2015 Edition;

3. Standard on Explosion Protection by Deflagration Venting, NFPA 68, 2013 Edition;

4. Standard on Explosion Prevention Systems, NFPA 69, 2014 Edition; and

5. Standard on Types of Building Construction, NFPA 220, 2015 Edition.

(i) National Institute of Standards and Technology (NIST), NIST, 100 Bureau Drive, Stop 1070, Gaithersburg, Maryland 20899-1070, (301) 975-6478, or at <http://www.nist.gov/index.html>.

(j) Petroleum Equipment Institute (PEI). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/:

1. Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11, 2011 Edition;

2. Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling, PEI/RP200-13, 2013 Edition; and

3. Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200-12, 2012 Edition.

(k) SSPC: The Coatings Society and NACE International. A copy of the following document is available at the Department address listed in subsection 62-762.211(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, 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 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steel-tank.com/>:

1. Flameshield® Standard for Fire Tested Tanks, STI F001, October 2014. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

2. Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank, STI F011, October

2014. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

3. Standard for Aboveground Tanks with Integral Secondary Containment, STI F921®, Revised October 2014;

4. Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks, STI F941, May 2015. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

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

6. Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids, STI R912, Revised November 2015. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

7. Standard for the Inspection of Aboveground Storage Tanks, STI SP001, 5th Edition, Revised 2011; and

8. Standard for Repair of Shop Fabricated Aboveground Tanks, STI SP031, 4th Edition, November 2008.

(m) Underwriters' Laboratories Standards (UL). Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/:

1. Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, UL 142, Revised August 2014, 9th Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###;

2. Nonmetallic Underground Piping for Flammable Liquids, UL 971, June 2008, 2nd Edition. Secondary references to this guideline can be found here: www.flrules.org/Gateway/reference.asp?No=Ref-00###; and

3. Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids, UL 2085, September 2003, 3rd Edition.

(n) U.S. Government Printing Office, Federal Digital System, Code of Federal Regulations, Electronic Code of Federal Regulations. Copies of the following documents are available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, (202) 512-1800, or at www.gpo.gov/:

1. Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST), 40 CFR Part 280, July 2015, published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or <http://www.ecfr.gov/cgi-bin/text->

www.flrules.org/Gateway/reference.asp?No=Ref-00###, or http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr302_main_02.tpl, or at the Department address listed in subsection 62-762.211(1), F.A.C., 40 C.F.R. 302 are only required to comply with Rule 62-762.401 subsections 62-762.401(1)-(2), F.A.C. Owners and operators of storage tanks that contain hazardous substances consisting of ammonia and chlorine are required to comply with paragraph (1)(a) above.

2. *Designation, Reportable Quantities, and Notification.* 40 CFR Part 302, July 2002, published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, 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 (effective date of the rule), shall comply with this Chapter on or after (effective date of the rule). Unless otherwise specified in this Chapter, storage tank systems or system components installed before (effective date of the rule), 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 Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended _____.

62-762.301 Applicability.

(1) General Requirements.:

(a) ~~Aboveground storage tank systems:~~ The requirements of this Chapter, unless specified otherwise, apply to owners and operators of facilities, ~~and~~ ~~or~~ owners and operators of ~~aboveground stationary~~ storage tank systems with individual storage tank capacities greater than 550 gallons, that contain or contained regulated substances. ~~Storage tank systems or system components installed after (effective date of the rule), shall comply with this Chapter upon installation. Unless otherwise specified in this Chapter, storage tank systems or system components installed before (effective date of the rule), 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.~~

1. ~~Vehicular fuel, subject to Chapter 17-61, F.A.C., after May 21, 1984;~~

2. ~~Pollutants after March 12, 1991; or~~

3. ~~Pollutants in unmaintained storage tank systems.~~

(b) ~~Aboveground compression vessels and hazardous substance storage tank systems:~~ Owners and operators of compression vessels and hazardous substance storage tanks systems with capacities of greater than 110 gallons and containing hazardous substances above reportable quantities under *Designation, Reportable Quantities, and Notification*, 40 CFR Part 302, July 2002, published by Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, DC 20401-0001, hereby adopted and incorporated by reference, and available at the address given, or

www.flrules.org/Gateway/reference.asp?No=Ref-00###, or http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr302_main_02.tpl, or at the Department address listed in subsection 62-762.211(1), F.A.C., 40 C.F.R. 302 are only required to comply with Rule 62-762.401 subsections 62-762.401(1)-(2), F.A.C. Owners and operators of storage tanks that contain hazardous substances consisting of ammonia and chlorine are required to comply with paragraph (1)(a) above.

(c) ~~Aboveground mineral acid storage tank systems:~~ Owners and operators of facilities containing only mineral acid storage tank systems, ~~and~~ ~~or~~ owners and operators of ~~aboveground~~ mineral acid storage tank systems with capacities of greater than 110 gallons containing mineral acids are only required to comply with Rule 62-762.891, F.A.C.

(d) ~~This rule is applicable to non residential facilities.~~

(2) Exemptions: The following ~~aboveground~~ systems are exempt from the requirements of this Chapter:

(a) through (d) No change.

(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) through (g) No change.

(h) Any storage tank containing Liquefied Petroleum Gas;

(i) Any storage tank system that:

1. Contains regulated substances at a concentration of less than two percent for pollutants and below the reportable quantities for hazardous substances under 40 CFR Part 302, July 2002; and

2. Was never previously regulated under Sections 376.30 through 376.309, F.S., or this Chapter contains small quantities (de minimus, as per 40 C.F.R. Section 280.10(b)(5)) of regulated substances;

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

(k) No change.

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

(m) Any surface impoundment, pit, pond, or lagoon;

(n) ~~Any agricultural storage tank system of 550 gallons capacity or less;~~

(o) Any residential storage tank system;

(p) 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)~~ Any day tank system;

~~(p)~~ Any flow-through process tank system. 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;

~~(q)~~ 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;

~~(r)~~ 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 and electrical equipment tank systems;

~~(s)~~ Any pipeline facilities;

~~(t)~~ 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 ~~C.F.R.~~ Part 50, Appendix A;

~~(u)~~ Any vapor recovery holding tanks and associated vapor recovery piping systems; or

~~(v)~~ Any rail or tanker truck loading or unloading operations (loading racks) specified in Chapter 28 5 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code, Bulk Loading and Unloading Facilities for Tank Cars and Tank Vehicles*, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C.;

~~(w)~~ Any Drip irrigation systems that:

1. Are not in contact with the soil;
2. Are constructed of corrosion resistant materials;
3. Are compatible with the products stored;
4. Contain less than 80 percent % concentration of fertilizer materials by volume; and
5. Are applied on site.

~~(x)~~ Systems used exclusively for the storage of aqueous solutions of sodium hypochlorite;

~~(y)~~ Any mobile tank;

~~(z)~~ Any system located entirely within an industrial occupancy building;

~~(aa)~~ Any storage tank system, that was installed before July 13, 1998, and is located entirely within an

enclosed building or vault with an adequate roof and walls to prevent rainwater from reaching the system, and with an impervious floor containing no valves, drains, or other openings that would permit regulated substances to be discharged from the system ~~that were constructed before July 13, 1998; or~~

~~(bb)~~ Any mobile double-walled storage double wall tank, regardless of how long it is located at a facility, that is connected with a power module system that is used for the emergency or supplemental generation of electrical power by an electric utility as defined in Chapter 366, F.S. This exemption is limited to storage tanks that are designed and constructed to be moved between to other service locations, relocated and the relocation within a facility or where the inherent use is from site to site; is inherent in its use.

~~(cc)~~ Docklines transferring regulated substances from the marine transfer area to the bulk product facility—provided the docklines are not integral piping of the regulated bulk product facility;

~~(dd)~~ Any storage tank system containing biofuels with a concentration of regulated substances of five percent or less by volume; or

~~(ee)~~ Any multiple compartmented storage tank system where each compartment does not share any of its walls with another compartment and the maximum capacity of each compartment is equal to or less than 550 gallons.

Rulemaking Specific Authority 376.303, 376.322(3) FS. Law Implemented 376.303, 376.321, 376.322(3) FS. History—New 6-21-04, Amended .

Substantial rewording of Rule 62-762.401, F.A.C., follows. See Florida Administrative Code for present text.

62-762.401 Facility Registration and Financial Responsibility.

(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 (effective date of the rule), a completed Form 62-762.901(2), Storage Tank Facility Registration Form (Registration Form), effective date, (effective date of the rule), 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 to obtain copies of the form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(2) For a change in service status or closure pursuant to Rules 62-762.801 and 62-762.802, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status or closure.

(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 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 tank or facility owner or operator, as indicated in this section, for all storage tank systems and compression vessels, required to be registered, except for:

1. Storage tank systems and compression vessels that have been properly closed in accordance with subsections 62-762.801(2) and 62-762.802(3), F.A.C.; and

2. Storage tank systems and compression vessels at federally-owned or operated facilities.

(b) A fee of \$50.00 per storage tank or compression vessel shall be submitted for each initial registration of a storage tank system or compression vessel. The fee shall be paid within 30 days after receipt of an invoice by the Department.

(c) A renewal fee of \$25.00 for each storage tank with a capacity of 250,000 gallons or less and for each compression vessel shall be paid to the Department by July 1 each year.

(d) A renewal fee of one dollar per every 10,000 gallons of storage capacity for each storage tank with a storage capacity greater than 250,000 gallons, shall be paid to the Department each year, not to exceed \$1,000.00 per storage tank.

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

(f) A late fee of \$20.00 per storage tank or compression vessel shall be paid to the Department for any renewal that is received after July 31.

(g) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$5,000.00 for all pollutant storage tanks located at the facility.

(h) In no circumstance will the owner or operator of any facility pay an annual fee greater than \$2,500.00 for all registered compression vessels and hazardous substance storage tanks located at the facility.

(i) Upon receipt of payment of all applicable registration 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: <http://www.dep.state.fl.us/waste/categories/tanks/default.htm>.

(5) Unless a valid registration placard is displayed in plain view as required by paragraph 62-762.401(4)(i), 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.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 376.3077 FS. History—New 6-21-04, Amended _____.

Editorial Note: Portions of this rule were relocated to Rule 62-762.421, F.A.C.

62-762.411 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 related to the change in service status

or closure to confirm the date and time of the scheduled activities.

(c) A Closure Integrity Evaluation Report Form for ASTs 62-762.901(7), (Closure Integrity Report), effective date, (*effective date of the rule*), hereby adopted and incorporated by reference, as prepared in accordance with paragraph 62-762.801(3)(a) or 62-762.802(4)(a), F.A.C., must be provided to the County with the notification of closure. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(3) Internal Inspections. Notification shall be received by the County in writing or electronic format between 10 and 25 days before the initiation of the work unless the County agrees to a shorter time period for inspections in accordance with *Tank Inspection, Repair, Alteration, and Reconstruction*, API Std 653, 5th Edition, November 2014, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; and for piping integrity testing pursuant to *Piping Inspection Code: In-service Inspection, Repair, and Alteration of Piping Systems*, API 570, 3rd Edition, November 2009, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>. Smaller field erected tanks with capacities less than 250,000 gallons shall be inspected in accordance with API Std 653, November 2014; or *Standard for the Inspection of Aboveground Storage Tanks*, STI SP001, 5th Edition, Revised 2011, hereby adopted and incorporated by reference and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>. Notification is not required for any STI SP001, Revised 2011, API Std 653, November 2014, and API 570, November 2009, inspection work or activities where the tank or piping will remain in service or will not be empty, or for routine maintenance.

(4) Notification of the discovery of an incident shall be made to the County in writing or electronic format on Form 62-762.901(6), Incident Notification (INF), effective date, (*effective date of the rule*), hereby adopted and incorporated by reference, within 72 hours of the discovery or 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 62-762.431, F.A.C.,

confirms that a discharge did or did not occur. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(5) Except as provided in subsection 62-762.441(5), F.A.C., notification of the discovery of a discharge shall be made to the County in writing or electronic format on Form 62-762.901(1), Discharge Report Form (DRF), effective date, (*effective date of the rule*), hereby adopted and incorporated by reference, within 24 hours or before the close of the County's next business day. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(6) Notification is not required for Temporary Out-of-Service or for minor repairs to gauges, vents, or other equipment that is attached to the top of a storage tank.

Rulemaking Specific Authority 376.303, ~~376.309~~ FS. Law Implemented ~~376.30~~, 376.303, ~~376.309~~ FS. History—New 6-21-04, Amended _____.

Editorial Note: Portions of this rule were copied from Rule 62-762.451, F.A.C.

62-762.421 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 62-762.801(2) and (3), F.A.C., and subsections 62-762.802(3) and (4), F.A.C., and the Closure Report or the Limited Closure Report Form for ASTs 62-762.901(8), effective date, (*effective date of the rule*), hereby adopted and incorporated by reference, is submitted to and approved by the County or the Department. To obtain copies of Form 62-762.901(8), see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. Pursuant to Section 376.309(1), F.S., the facility owner is required to establish and maintain evidence of financial responsibility and 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, July 2015, hereby adopted and incorporated by reference and available from the publisher at the Government Printing Office, Code of Federal Regulations, 732 North Capitol Street, NW, Washington, D.C. 20401-0001, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or <http://www.ecfr.gov/cgi-bin/text-id.x?SID=77a4ede7eedef2cdb918cb52715a2d55&node=sp40.2.7.280.h&rgn=div6>, or the Department address located in subsection 62-762.211(1), F.A.C. However, Department Form 62-761.900(3) effective date, (*effective date of the rule*), *Financial Mechanisms for Storage Tank Systems*, hereby adopted and incorporated by reference, and available in Rule 62-761.900, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, can be used in lieu of the United States Environmental Protection Agency's financial mechanisms; except that:

(a) For a facility with a storage tank system or systems with a cumulative capacity greater than 550 gallons and less than or equal to 10,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$500,000.00 per incident and \$1 million annual aggregate.

(b) For a facility with a storage tank system or systems with a cumulative capacity greater than 10,000 gallons and less than or equal to 30,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$1 million per incident and \$1 million annual aggregate.

(c) For a facility with a storage tank system or systems with a cumulative capacity greater than 30,000 gallons and less than or equal to 250,000 gallons the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$1 million per incident and \$2 million annual aggregate.

(d) For a facility with a storage tank system or systems with a cumulative capacity greater than 250,000 gallons, the demonstration of financial responsibility for cleanup of a discharge and third-party liability shall be a minimum of \$3 million per incident and \$6 million annual aggregate.

Holder of financial responsibility mechanisms and facility owners are encouraged to permanently maintain evidence of financial responsibility and all correspondence with respect to coverage and claims.

(4) The appropriate part(s) of Form 62-761.900(3) shall be used when demonstrating proof of financial responsibility under this Rule, and will satisfy the Certification of Financial Responsibility requirements of 40 CFR 280.111(b)(11), July 2015. 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.

(5) Financial requirements for the purpose of this Rule, regardless of the date of installation of storage tank systems, shall comply with 40 CFR Part 280, Subpart H, July 2015.

(6) Notwithstanding the facility owner's financial responsibility status, those persons specified in Section 376.308(1), and Sections 403.141 and .161, F.S., shall be liable for any discharge at the facility.

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

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.308, 376.309, 403.091, 403.141, 403.161 FS. History-New

Editorial Note: Portions of this rule were copied from 62-762.401, F.A.C.

62-762.431 Incidents.

(1) Incidents include:

(a) The following positive responses of release detection devices or methods described in Rules 62-762.601 and 62-762.602, F.A.C.:

1. 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;

2. Any visual observation of regulated substances in a containment sump;

3. Any alarm that indicates that liquid, vacuum, or pressure monitoring levels are not being maintained; or that liquid, other than condensate, has been detected by a sensor in a normally dry interstice;

4. Any visual observation that indicates that liquid level hydrostatic monitoring levels are not being maintained;

5. 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;

6. Any visual inspection that indicates the presence of water, other than condensate, or regulated substances in the interstice;

7. Any instance where a mechanical line leak detector is restricting flow;

8. Any instance where an electronic line leak detector has shut off power to the pump; and

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

(b) A failed integrity test for the following components:

1. Double-bottomed field erected storage tanks;

2. Double-walled integral piping;

3. Hydrant sumps; and

4. Spill containment systems.

(c) The presence of odors of regulated substances 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;

(d) The loss of regulated substances from a storage tank system exceeding 100 gallons on 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 pervious surfaces;

(e) The loss of a regulated substance exceeding 500 gallons inside a dike field area with secondary containment; and

(f) A failed Closure Integrity Evaluation.

(2) If an incident occurs at a facility, actions shall be initiated 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 on an INF in writing or electronic format within 72 hours of the discovery or before the close of the County's next business day. 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 written approval of the Department or the County. However, if the investigation goes beyond 45 days of the date of discovery, the storage tank system or system component shall be placed out-of-service until such time the investigation is completed and resolved.

(5) At the end of the 14 day time period to investigate the incident, or at the end of an alternate time period approved by the Department or the County, a determination must be made

as to whether the incident was a discharge. If the incident was a discharge, then a DRF shall be submitted in writing or electronic format to the County. If the incident was not a discharge, then a written confirmation and explanation that the incident was not a discharge shall be submitted in writing or electronic format to the County.

(6) The removal of any release of regulated substances 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 on a DRF in writing or electronic format, 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 62-762.441(6), F.A.C.

(8) All incidents, 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 62-762.711, F.A.C. Test results or reports, which support the investigation findings, shall be maintained as records. Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New _____.

Editorial Note: Portions of this rule were copied from Rule 62-762,821, F.A.C.

62-762.441 Discharges.

(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 overflow of a regulated substance to a pervious surface, except as provided in subsection 62-762.441(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.

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

1. Fire, explosion, and vapor hazards shall be identified and mitigated;

2. 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.;

3. 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;

4. 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 62-762.801 or 62-762.802, F.A.C., until the component can be repaired or replaced;

5. If the storage tank system component that was found to be discharging will be repaired, it shall be repaired in accordance with Rule 62-762.701 or 62-762.702, F.A.C.;

6. 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 Rules 62-762.501 or 62-762.502, F.A.C.; and

7. 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 62-762.801 or 62-762.802, F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New _____.

Editorial Note: Portions of this rule were copied from Rule 62-762.821, F.A.C.

62-762.451 Notification and Reporting.

Rulemaking Specific Authority 376.303, 376.309 FS. Law Implemented 376.303, 376.309 FS. History—New 6-21-04, Repealed

Substantial rewording of Rule 62-762.501, F.A.C., follows. See Florida Administrative Code for present text.

62-762.501 Storage Tank System Requirements for Shop Fabricated Performance Standards for Category C Storage Tanks Systems.

(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.

(b) Secondary containment.

1. The materials used for secondary containment shall be:

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

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with *Test Methods, Test Properties and Testing Frequency for High Density Polyethylene (HDPE) Smooth and Textured Geomembranes*, GRI Test Method GM13, Rev. 12, November 2014, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at Geosynthetic Institute, 475 Kedron Avenue, Folsom, Pennsylvania 19033-1208, (610) 522-8440, or at <http://www.geosynthetic-institute.org/>, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with *Control of Cracking in Concrete Structures* (Reapproved 2008), ACI 224R-01, (Reapproved 2008), incorporated by reference in paragraph 62-762.201(33)(b), F.A.C., and *Design Considerations for Environmental Engineering Concrete Structures*, ACI 350.4R-04, 2004 Edition, American Concrete Institute (ACI), incorporated by reference in paragraph 62-762.201(33)(b), F.A.C., and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, February 1997, incorporated by reference in subparagraph 62-762.201(33)(b)2., F.A.C., unless previously lined in accordance with *Coatings and Linings over Concrete for Chemical Immersion and Containment Service*, NACE Standard SP0892-2007 (formerly RP0892), 2007 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>, and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the General Construction Requirements specified in this section.

4. Secondary Containment constructed with other materials, including clay liner materials shall be impervious and registered in accordance with Rule 62-762.851(2), F.A.C.

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. 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 *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*, PEI/RP1200-12, 2012 Edition, hereby adopted and incorporated by reference, and available at the Department address located in subsection 62-762.211(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.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tank with a closed interstice after it is delivered to the facility, and before the storage tank is placed into service. This test shall be performed in accordance with *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling*, PEI/RP200-13, 2013 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/.

10. Before integral piping is placed into service, an interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP100-11, 2011 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at PEI, Post Office Box 2380, Tulsa, Oklahoma 74101-2380, (918) 494-9696, or at www.pei.org/, and PEI/RP1200-12, 2012 Edition.

11. If double-walled spill buckets are installed, an interstitial integrity test shall be performed in accordance with PEI/RP1200-12, 2012 Edition, before the spill bucket is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(g), F.A.C., or another method of monitoring to allow for a determination of current operating status. 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 62-762.701(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.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI)

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies registered with the Department in accordance with Rule 62-762.851(2), F.A.C., provide an alternative to cathodic protection for protection of metal surfaces within the secondary containment. Vapor corrosion inhibitors (VCI) effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by or under the direction of a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.701(3), F.A.C.

(e) 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 regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with the applicable provisions of:

1. *Flammable and Combustible Liquids Code, Storage Tank Buildings*, NFPA 30, 2015 Edition, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C.;

2. *Motor Fuel Dispensing Facilities and Repair Garages*, NFPA 30A, 2015 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169, (617) 770-3000, or at www.nfpa.org/;

3. *Process Piping*, ASME B31.3, 2014 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(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/>; and

4. PEI/RP200-13, 2013 Edition.

(i) Whenever integral piping in contact with the soil is installed or relocated after (*effective date of the rule*), a survey drawing of the 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 62-762.711, F.A.C.

(2) Storage tank installation.

(a) In addition to the requirements of paragraph 62-762.501(1)(h), F.A.C., storage tank systems shall be installed according to the applicable provisions of *Installation Instructions for Shop Fabricated Aboveground Storage Tanks for Flammable, Combustible Liquids*, STI R912, Revised November 2015, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following requirements hereby adopted and incorporated by reference, and available from the Department address given in subsection 62-762.211(1):

a. *Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*, UL 142, Revised August 2014, 9th Edition. To obtain this reference from the publisher, see paragraph 62-762.211(2)(m), F.A.C.;

b. *Welded Tanks for Oil Storage*, API Std 650, 12th Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014), March 2013, incorporated by reference in subsection 62-762.201(67), F.A.C. To obtain this reference from the publisher, see paragraph 62-762.211(2)(b), F.A.C.;

c. *Specification for Fiberglass Reinforced Plastic Tanks*, API Spec 12P, 3rd Edition, October 2008. To obtain this reference from the publisher, see paragraph 62-762.211(2)(b), F.A.C.;

d. *Standard for Aboveground Tanks with Integral Secondary Containment*, STI F921[®], Revised October 2014. To obtain this reference from the publisher, see paragraph 62-762.211(2)(l), F.A.C.;

e. *Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids*, UL 2085, September 2003, 3rd Edition. To obtain this reference from the publisher, see paragraph 62-762.211(2)(m), F.A.C.;

f. *Flameshield[®] Standard for Fire Tested Tanks*, STI F001, October 2014. To obtain this reference from the publisher, see paragraph 62-762.211(2)(l), F.A.C.;

g. *Fireguard: Specification for Fireguard Protected Aboveground Storage Tanks*, STI F941, May 2015. To obtain this reference from the publisher, see paragraph 62-762.211(2)(l), F.A.C.; or

h. Generator Base Tanks: Standard for Aboveground Tanks Used as a Generator Base Tank, STI F011, October 2014. To obtain this reference from the publisher, see paragraph 62-762.211(2)(l), F.A.C.

2. Storage tanks that meet the above performance requirements, that are constructed of equivalent material, or have an equivalent design shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with *Cathodic Protection of Aboveground Petroleum Storage Tanks*, API RP 651, 4th Edition, September 2014, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; and *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, NACE Standard RP0193-2001, 2001 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with subparagraph 62-762.501(1)(c)1., F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.701(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional, and be installed with at least one electrical resistance probe test location, or a method of monitoring to allow for a determination of the corrosion rate on the underside of the tank floor, or other interstitial or metallic surface. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.701(3), F.A.C.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code, Storage of Liquids in Tanks - Aboveground Storage Tanks*;

b. Contain a minimum of 110 percent of the maximum capacity of the storage tank located within the dike field area, or of the largest single-walled storage tank located within a dike field area containing more than one storage tank. For dike field areas containing more than one storage tank, capacity calculations shall be made after deducting the volume of the storage tanks, other than the largest storage tank, below the height of the dike;

c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:

i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or

ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and

d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the discharge of regulated substances.

(e) Overfill protection.

1. 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.

2. All storage tanks shall be equipped with at least one of the following overfill protection devices:

a. A level gauge or other measuring device that accurately shows the level of regulated substances in the storage tank, and that is visible to the person who is monitoring the filling that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

b. A high level (at 90 percent tank capacity) warning alarm that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

c. A high level (at 90 percent tank capacity) liquid flow cutoff controller that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation; or

d. An impervious dike field area designed to contain overfills.

3. Storage tanks with capacities of 15,000 gallons or less that do not receive delivery by a mated (joined) tight fill adaptor connection of the delivery hose to the tank riser are exempt from overflow protection requirements provided that the tanks are never filled beyond 80 percent capacity.

4. Used oil tanks that receive less than 25 gallons at one time are not required to have overflow protection.

(f) Spill containment systems.

1. Storage tanks shall be installed with a spill containment system at each storage tank fill connection, except within dike field areas with secondary containment. The spill containment system shall meet the requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C.

2. Fillbox covers, regardless of the date of installation of the storage tank system, shall be marked or the fill connection tagged and facility signage shall be prominently displayed in accordance with *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals*, API RP 1637, 3rd Edition, July 2006 (Reaffirmed, May 2012), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; or *Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment*, EI 1542, 9th Edition, July 2012, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(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>, or with an equivalent method approved by the Department in accordance with subsection 62-762.851(1), F.A.C.

3. Spill containment systems, including double-walled spill containment systems, shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(g) Dispensers and dispenser sumps.

1. The dispenser 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, 2015 Edition; and Chapter 6, *Fuel Dispensing Systems*;

Chapter 9, *Operational Requirements*; and Chapter 11, *Marine Fueling of NFPA 30A Motor Fuel Dispensing Facilities and Repair Garages*, 2015 Edition.

2. Dispensers shall be installed with a dispenser sump, except those within an impervious dike field area with secondary containment, meeting the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and registered in accordance with subsection 62-762.851(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. Dispensers mounted directly upon the storage tank or that are otherwise associated with storage tank systems that do not have underground integral piping are exempt from this requirement.

3. Dispenser sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C. The dispenser sump shall be capable of containing a release for the entire area beneath the dispenser.

(h) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.501(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The piping sumps shall be designed, constructed, and installed to minimize water entering the sump.

2. Piping sumps shall be installed to allow for release detection in accordance with Rule 62-762.601, F.A.C.

(i) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use, and be registered in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material.

(j) Relocation of storage tanks. Storage tanks that have been removed and reinstalled at a different property shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C. They shall be reinstalled in accordance with manufacturer's specifications and inspected in accordance with STI SP001, Revised 2011, incorporated by reference in subsection 62-762.411(3), F.A.C., and with the requirements in Rule 62-762.501, F.A.C.

(3) Small diameter integral piping.

(a) Installation.

1. All integral piping installed after (*effective date of the rule*), shall be installed in accordance with the manufacturer's instructions, if applicable, and according to the applicable provisions of PEI/RP200-13, 2013 Edition; Chapter 27 of NFPA 30, 2015 Edition, *Flammable and Combustible Liquids Code, Piping Systems*; NFPA 30A, 2015 edition; and *Pipeline Transportation Systems for Liquids and Slurries*, ASME B31.4, 2012 Edition, hereby adopted and incorporated by

reference, and available at the Department address listed in subsection 62-762.211(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/>.

2. An interstitial integrity test shall be performed on double-walled integral piping that is in contact with the soil, or that transports regulated substances over surface waters of the state in accordance with PEI/RP100-11, 2011 Edition and PEI/RP1200-12, 2012 Edition, before the integral piping is placed into service.

3. All new integral piping that is not in contact with the soil, shall meet the construction requirements in paragraphs 62-762.501(3)(a) through (c), F.A.C., and shall be UV rated if exposed to sunlight if made of non-metallic materials.

4. New double-walled integral piping that is in contact with the soil shall be installed with a slope to a low point monitoring system. Double-walled integral piping utilizing hydrostatic, pressure or vacuum monitoring are not subject to this requirement.

5. All new pressurized small diameter integral piping that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C. The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Section 7 of PEI/RP200-13, *Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling, Pumps and Valves*, 2013 Edition.

6. All pressurized small diameter integral piping installed prior to (*effective date of the rule*), that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C., within one year of (*effective date of the rule*). The line leak detectors must be tested annually at intervals not exceeding 12 months in accordance with paragraph 62-762.601(1)(b), F.A.C., and be installed in accordance with Section 7 of PEI/RP200-13, 2013 Edition. Line leak detectors must be located downstream from the anti-siphon or solenoid valve. Line leak detectors are not required for piping that is not in contact with the soil.

(b) Secondary containment.

1. All small diameter integral piping, including remote fill piping, that is in contact with the soil or that transports regulated substances over surface waters of the state, including those that contain used oil, shall have secondary containment.

2. Small diameter integral piping containing high viscosity products are exempt from the requirements for secondary containment.

3. Single-walled integral piping that is in contact with the soil, and is not exempt pursuant to subparagraph 62-762.501(3)(b)2., F.A.C., shall be immediately and

permanently closed in accordance with subsection 62-762.801(2), F.A.C.

(c) Construction.

1. Fiberglass reinforced plastic piping, semi-rigid non-metallic, or other non-rigid piping installed in contact with the soil shall be installed in accordance with *Non-metallic Underground Piping for Flammable Liquids*, UL 971, June 2008, 2nd Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at UL, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, (847) 272-8800, or at www.ul.com/, or certified by a Nationally Recognized Testing Laboratory that these requirements are met, and registered in accordance with subsection 62-762.851(2), F.A.C.

2. Rigid metallic integral piping shall be constructed in accordance with ASME B31.3, 2014 Edition, or PEI/RP200-13, 2013 Edition. 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 RP 1632, 3rd Edition, May 1996, (Reaffirmed, June 2002), hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; *Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE Standard SP0169-2013 (formerly RP0169), 2013 Edition, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906, (800) 797-6223, or at <http://www.nace.org/>; 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 available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>.

3. Metallic double-walled integral piping constructed of nonferrous materials such as copper shall be constructed in accordance with the requirements in Chapter 27 of NFPA 30, 2015 Edition.

4. Integral double-walled piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

5. Small diameter integral piping using corrosion protection systems with vapor corrosion inhibitors that are

registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional, and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.701(3), F.A.C.

(d) Valves.

1. Shear valves. Pressurized small diameter 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, Motor Fuel Dispensing Facilities and Repair Garages, Requirements for Dispensing Devices, 2015 Edition. 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/RP1200-12, 2012 Edition, at the time of installation by a certified contractor to confirm that the automatic closing function of the valve operates properly, and that the valve is properly anchored.

2. Isolation block valves. Any storage tank system, regardless of the date of installation of the storage tank system, located at an elevation that produces a gravity head on small diameter integral piping positioned below the product level in the tank must be installed and maintained with an isolation block valve in accordance with Chapter 22.13 of NFPA 30, 2015 Edition, Flammable and Combustible Liquids Code, Tank Openings Other Than Vents.

3. Anti-siphon valves. For storage tank systems that produce a gravity head on small diameter integral piping positioned below the product level in the tank, anti-siphon valves shall be installed and maintained in accordance with Section 7 of PEI/RP200-13, 2013 Edition, and Section 11.2 of NFPA 30A, Marine Fueling, Storage, 2015 Edition. For such storage tank systems installed prior to (effective date of the rule) anti-siphon valves shall be installed within one year of (effective date of the rule). Integral piping located within an impervious dike field area does not require anti-siphon valves.

(4) Bulk product piping associated with shop fabricated storage tanks shall meet the requirements of subsection 62-762.502(4), F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended

62-762.502 Storage Tank System Requirements for Field Erected Storage Tanks.

(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

(b) Secondary containment.

1. The materials used for secondary containment shall be:

a. Impervious to the regulated substances and able to withstand deterioration from external environmental conditions;

b. Non-corrosive or of corrosion-protected materials; and

c. Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge.

2. Synthetic liners, unless previously approved by the Department, shall be designed and tested in accordance with GRI Test Method GM13, Rev. 12, November 2014, incorporated by reference in subparagraph 62-762.501(1)(b)2., F.A.C., and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C. Liners shall not be constructed or consist of naturally occurring in-situ soils.

3. Secondary containment constructed of concrete shall be:

a. Designed and constructed in accordance with ACI 224R-01, (Reapproved 2008), and ACI 350.4R-04, 2004 Edition, both incorporated by reference in paragraph 62-762.201(33)(b), F.A.C., and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

b. Lined in accordance with SSPC-TU 2/NACE 6G197, February 1997, incorporated by reference in subparagraph 62-762.201(33)(b)2., F.A.C., unless previously lined in accordance with NACE Standard SP0892-2007, (formerly RP0892), 2007 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)3.b., F.A.C., and be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.; or

c. Designed, evaluated, and certified by a professional engineer licensed in the State of Florida that the concrete secondary containment system meets the general construction requirements specified in this section.

4. Secondary Containment constructed with other materials, including clay liner materials, shall be impervious and registered in accordance with subsection 62-762.851(2), F.A.C.

5. For cathodically protected tanks and integral piping, secondary containment systems shall not interfere with the operation of the cathodic protection system.

6. For VCI protected tanks, the secondary containment system shall provide containment for the vapor corrosion inhibitors.

7. Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

8. If factory-made containment systems or single-walled sumps are installed on the system, a containment integrity test shall be performed in accordance with PEI/RP1200-12, 2012 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)8., F.A.C., before the component is placed into service. For field-fabricated components the tests shall be at least for 24 hours in accordance with manufacturer's requirements.

9. An interstitial integrity test shall be performed on each double-walled or double-bottomed storage tank with a closed interstice after it is constructed at the facility, and before the storage tank is placed into service. This test shall be performed in accordance with Annex I.6, Testing and Inspection, located in API Std 650, incorporated by reference in subsection 62-762.201(67), F.A.C.

10. An interstitial integrity test shall be performed on double-walled small diameter integral piping in contact with the soil, or that transports regulated substances over surface waters of the state, in accordance with PEI/RP100-11, 2011 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)10., F.A.C., and PEI/RP1200-12, 2012 Edition, before the small diameter integral piping is placed into service.

(c) Cathodic protection.

1. Test stations. Cathodic protection systems shall be designed, constructed, and installed with test stations in accordance with NACE standards contained in paragraph 62-762.211(2)(g), F.A.C., or another method of monitoring to allow for a determination of current operating status. 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 62-762.702(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.

(d) Corrosion Protection with Vapor Corrosion Inhibitors (VCI).

1. Testing locations for vapor corrosion inhibitors. Vapor Corrosion Inhibitor technologies, registered with the Department in accordance with subsection 62-762.851(2), F.A.C., provide an alternative to cathodic protection for protection of metal surfaces within the secondary containment.

VCI effectiveness shall be established by the use of electrical resistance probes located in testing locations as recommended by a Corrosion Professional to monitor corrosion rates.

2. Any field-installed VCI protection system shall be designed and installed by, or under the direction of, a Corrosion Professional and the VCI manufacturer's certified installer. The VCI protection system shall be operated and maintained in accordance with subsection 62-762.702(3), F.A.C.

(e) 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 regulated substances stored in the storage tank systems.

(f) Exterior coatings. Exterior portions of tanks and integral piping shall be coated or otherwise protected from external corrosion. The coating shall be designed and applied to resist corrosion, deterioration, and degradation of the exterior wall.

(g) All components of a storage tank system shall be installed in accordance with the manufacturer's instructions.

(h) All storage tank systems shall be installed in accordance with the applicable provisions of API Std 650, March 2013, incorporated by reference in subsection 62-762.201(67), F.A.C.; NFPA 30, 2015 Edition, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C.; NFPA 30A, 2015 Edition, incorporated by reference in subparagraph 62-762.501(1)(h)2., F.A.C.; ASME B31.3, 2014 Edition, incorporated by reference in subparagraph 62-762.501(1)(h)3., F.A.C.; and PEI/RP200-13, 2013 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)9., F.A.C.

(i) Whenever integral piping in contact with the soil is installed or relocated after (*effective date of the rule*), a survey drawing of the 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 62-762.711, F.A.C.

(2) Storage tank installation.

(a) All storage tank systems shall be installed in accordance the applicable provisions of Chapter 22 of NFPA 30, 2015 Edition.

(b) Storage tank construction requirements.

1. Storage tanks shall be constructed in accordance with one of the following:

a. *Design and Construction of Large, Welded, Low-Pressure Storage Tanks*, API Std 620, 12th Edition, October 2013, hereby adopted and incorporated by reference, and

available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>; or

b. API Std 650, incorporated by reference in subsection 62-762.201(67), F.A.C.

2. Storage tanks shall be inspected and tested at a frequency established in accordance with API Std 653, November 2014, incorporated by reference in subsection 62-762.411(3), F.A.C., and maintained for the life of the tank.

(c) Cathodic and corrosion protection. Steel tanks in contact with soil shall have a cathodic or corrosion protection system meeting the following requirements:

1. The cathodic protection system shall be designed, constructed, and installed in accordance with API RP 651, 4th Edition, September 2014, incorporated by reference in paragraph 62-762.501(2)(c), F.A.C., or NACE Standard RP0193-2001, 2001 Edition, incorporated by reference in subparagraph 62-762.501(2)(c)1., F.A.C. Storage tanks that have been upgraded with secondary containment consisting of a new steel bottom that is not in contact with the soil are not required to have cathodic protection on the new steel bottom;

2. A field-installed cathodic protection system shall be designed and installed by or under the direction of a Corrosion Professional;

3. The cathodic protection system shall be designed and installed with at least one test station in accordance with paragraph 62-762.502(1)(c), F.A.C., or a method of monitoring to allow for a determination of current operating status; and

4. The cathodic protection system shall be operated and maintained in accordance with subsection 62-762.702(2), F.A.C.

5. Storage tank systems using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed in accordance with the requirements specified in subsection 62-762.702(3), F.A.C., and under the direction of a Corrosion Professional.

(d) Secondary containment.

1. All storage tanks, including those that contain used oil, shall have secondary containment.

2. Storage tanks containing high viscosity products are exempt from the requirements for secondary containment.

3. Dike field areas with secondary containment shall:

a. Conform to the requirements of Chapter 22 of NFPA 30, 2015 Edition;

b. Contain a minimum of 110 percent of the maximum capacity of the storage tank located within the dike field area, or of the largest single-walled storage tank located within a dike field area including more than one storage tank. For dike

field areas containing more than one storage tank, capacity calculations shall be made after deducting the volume of the storage tanks, other than the largest storage tank, below the height of the dike;

c. Be constructed, if not roofed or otherwise protected from the accumulation of rainfall, with either:

i. A siphon to remove accumulated liquids or a drainage system that allows the continuous discharge of water but functions to automatically stop the flow of all liquids upon the presence of regulated substances; or

ii. A gravity drain pipe which has a manually controlled valve, normally closed, or a manually controlled pump. Gravity drain pipes shall be designed and constructed to prevent a discharge in the event of fire; and

d. Have all integral piping and other penetrations that pass through the secondary containment of dike field areas sealed around the penetration with an impervious compatible material to prevent the release of regulated substances.

4. Storage tanks where the entire bottom of the tank is in contact with concrete, and the concrete is not sealed in accordance with paragraph 62-762.502(1)(b), F.A.C., do not have to seal the concrete beneath the tank until such time as the tank bottom is replaced. Concrete secondary containment systems designed in accordance with subparagraph 62-762.502(1)(b)3., F.A.C., do not have to be sealed.

5. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, an alternative dike field secondary containment system registered in accordance with subsection 62-762.851(2), F.A.C., may be used. Alternative dike field secondary containment systems are not allowed in public wellhead protection areas. The alternative dike field secondary containment system, regardless of the date of installation of the storage tank system, must provide:

a. Continuous tank shell monitoring with approved probes, cables, or electronic sensors;

b. Immediate electronic notification to the owner or operator of overfills and leaks from the tank shell;

c. Stormwater management;

d. A high and a high-high level overfill alarm system with an annual test of operability, in accordance with *Overfill Protection for Storage Tanks in Petroleum Facilities*, API RP 2350, 4th Edition, May 2012, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>;

e. An impervious overfill retention system that will contain the volume of product that would be transferred at the maximum flow rate for a period of five minutes by the pump(s) used for filling the tank;

f. An automatic system for shutting off the pump(s) used for filling the tank by an electronic signal from the continuous tank shell monitoring system, or an automatic system for the closing of any valve whose actuation time will stop the product transfer without inducing hydraulic hammer into the transfer system. The system must be designed to operate in conjunction with the impervious overflow retention system and be capable of preventing any discharge of product being transferred during and after the time needed to shut off the pump or close the valve;

g. Equipment that is designed to be secondary containment in accordance with paragraph 62-762.502(1)(b), F.A.C., installed around or beneath pumps and valves within the dike field or secondary containment area; and

h. For new tanks, a release prevention barrier underneath the tank in accordance with API Std 650, Annex I, incorporated by reference in subsection 62-762.201(67), F.A.C., or an equivalent system registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

6. Instead of installing secondary containment in the entire dike field area in accordance with this subsection, a double-walled storage tank may be used. The storage tank must be constructed in accordance with API Std 650.

7. Release prevention barriers for dike field containment systems shall be impervious and be designed and constructed in accordance with API Std 650, or be registered as a release prevention barrier or secondary containment in accordance with subsection 62-762.851(2), F.A.C.

(e) Overflow protection.

1. No transfer of regulated substances shall be made unless the volume available in the tank is greater than the volume of regulated substances to be transferred. The transfer shall be repeatedly monitored to prevent overfilling.

2. Overflow protection shall be performed, as applicable, in accordance with API RP 2350, 4th Edition, May 2012.

3. All storage tanks, not subject to API 2350, 4th Edition, May 2012, shall not be filled beyond 90 percent capacity and shall be equipped with at least one of the following overflow protection devices:

a. A gauge or other measuring device that accurately shows the level of regulated substances in the storage tank, and that is visible to the person who is monitoring the filling that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

b. A high level warning alarm that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;

c. A high level liquid flow cutoff controller that shall be registered in accordance with subsection 62-762.851(2), F.A.C., and shall perform an operability test annually at intervals not exceeding 12 months to ensure proper operation;
or

d. An impervious dike field area designed to contain overfills.

(f) Spill Containment. Storage tanks that are loaded by trucks shall be installed with a spill containment system at each tank fill connection within six months of (effective date of the rule), except for tank fill connections located within dike field areas with secondary containment or within tank truck containment areas. The spill containment system shall meet the requirements of paragraph 62-762.502(1)(b), F.A.C.

(g) Piping sumps.

1. Piping sumps shall meet the performance requirements of paragraph 62-762.502(1)(b), F.A.C., and be registered in accordance with subsection 62-762.851(2), F.A.C. The sumps shall be designed, constructed, and installed to prevent water entering the sump.

2. Piping sumps shall be installed to allow for interstitial monitoring of the integral piping and monitoring of the piping sump, as applicable, in accordance with Rule 62-762.601, F.A.C.

(h) Hydrant sumps. Underground hydrant sumps shall be installed to prevent the discharge of regulated substances during fueling of aircraft, vessels, or at any other time the hydrant system is in use, and shall be registered in accordance with subsection 62-762.851(2), F.A.C. Any such equipment shall be sealed to and around the hydrant piping with an impervious, compatible material. Hydrant sumps shall be containment integrity tested in accordance with subparagraph 62-762.502(1)(b)8., F.A.C.

(i) Relocation of storage tanks. Storage tanks that have been removed and that are to be reinstalled at a different location shall be re-registered with the Department in accordance with subsection 62-762.401(1), F.A.C., and reinstalled in accordance with API Std 653, November 2014, incorporated by reference in subsection 62-762.411(3), F.A.C.

(3) Small diameter integral piping associated with field erected storage tanks shall meet the requirements of 62-762.501(3), F.A.C.

(4) Bulk product piping.

(a) Installation.

1. Bulk product piping shall be constructed and installed in accordance with the applicable provisions of Chapter 27 of NFPA 30, 2015 Edition; and either ASME B31.3, 2014 Edition; or B31.4, 2012 Edition, incorporated by reference in subparagraph 62-762.501(3)(a)1., F.A.C.; or *Welding of Pipelines and Related Facilities*, API Std 1104, 21st Edition, includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and

Addendum 1 (2014), September 2013, hereby adopted and incorporated by reference, and available at the Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>.

2. All new bulk product piping that is not in contact with the soil shall meet the construction requirements in paragraphs 62-762.502(4)(a) and (c), F.A.C.

3. An integrity test shall be performed for underground bulk product piping for high viscosity products in accordance with Chapter 27 of NFPA 30, 2015 Edition, before the piping system is placed into initial use. An interstitial integrity test shall be performed for underground bulk product piping with secondary containment in accordance with subsection 62-762.702(4), F.A.C., or Chapter 27 of NFPA 30, 2015 Edition, before the piping is placed into initial use.

(b) Secondary containment.

1. All bulk product piping, including such piping that contains used oil, that is in contact with the soil or that transports regulated substances over surface waters of the state shall have secondary containment.

2. Single-walled bulk product piping that was installed before June 30, 1992, and that had an initial structural evaluation performed in accordance with API 570, November 2009, incorporated by reference in subsection 62-762.411(3), F.A.C., before January 1, 2000, is exempt from this requirement if the evaluation indicated that the bulk product piping had remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570, November 2009, inspection indicates that repair, upgrading or closure is necessary.

3. Bulk product piping containing high viscosity products are exempt from the requirements for secondary containment.

4. Single-walled bulk product piping that is in contact with the soil and is not exempt pursuant to subparagraphs 62-762.502(4)(b)2. and 3., F.A.C., shall be immediately and permanently closed in accordance with subsection 62-762.802(3), F.A.C.

5. Bulk product piping in contact with the soil containing high viscosity products may be converted to non-high viscosity product service without having to install secondary containment if an API 570, November 2009, integrity assessment, incorporated by reference in subsection 62-762.411(3), F.A.C., is performed and confirms that the piping has remaining useful life. The piping shall be repaired or upgraded with secondary containment or closed when a periodic API 570, November 2009, inspection indicates that repair, upgrading or closure is necessary.

(c) Construction.

1. New steel bulk product piping shall be constructed in accordance with ASME B31.3, 2014 Edition; or ASME

B31.4, 2012 Edition; or API STD 1104, 21st Edition, includes Errata 1 (2013), Errata 2 (2014), Errata 3 (2014), and Addendum 1 (2014), September 2013. Bulk product steel integral piping in contact with the soil shall be cathodically protected in accordance with API RP 1632, May 1996, (Reaffirmed June 2002), incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C.; NACE Standard SP0169-2013, 2013 Edition, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C.; or STI R892, Revised January 2006, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C. Corrosion Protection can also be provided using vapor corrosion inhibitors registered in accordance with subsection 62-762.851(2), F.A.C. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional.

2. Bulk product piping constructed of other materials, design, or corrosion protection shall be registered with the Department in accordance with subsection 62-762.851(2), F.A.C.

3. Bulk product piping using corrosion protection systems with vapor corrosion inhibitors that are registered in accordance with subsection 62-762.851(2), F.A.C., shall be designed and installed under the direction of a Corrosion Professional and shall be installed with at least one electrical resistance probe or a method of monitoring to allow for a determination of the corrosion rate within the piping interstice. The VCI system shall be designed and installed in accordance with the requirements specified in subsection 62-762.702(3), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New _____.

62-762.511 Performance Standards for Category-A and Category-B Storage Tank Systems.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed _____.

Substantial rewording of Rule 62-762.601, F.A.C., follows. See Florida Administrative Code for present text.

62-762.601 Release Detection Requirements for Shop Fabricated Storage Tank Systems—Standards.

(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) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank

system and place the affected system out-of-service, or close the system within 90 days of (effective date of the rule), in accordance with subsection 62-762.801(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 section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or 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 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 62-762.711, 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, and reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. Repairs shall be made in accordance with Rule 62-762.701, F.A.C. 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 62-762.701(4), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that 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, sensor status, and testing results related to suspected releases shall be printed from any electronic release detection device. 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 containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods 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 and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid 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 and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

b. Liquid-filled gauges shall be calibrated using the National Institute of Standards and Technology (NIST) traceable standards, hereby adopted and incorporated by reference, prior to initial operation. Information on NIST can be obtained from 100 Bureau Drive, Stop 1070, Gaithersburg, Maryland 20899-1070, (301) 975-6478, or at <http://www.nist.gov/index.html>. The gauges shall be operational at all times.

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 water 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 62-762.431, F.A.C.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of liquid at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substance in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(3) Storage tanks without secondary containment.

(a) Required release detection methods. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed in accordance with paragraph 62-762.601(1)(e), F.A.C.

(b) Performance Requirements. Visual inspections of storage tanks shall include an inspection of the exterior of each tank, the integral piping, and any other storage tank system components.

(4) Small diameter integral piping with secondary containment.

(a) One or more of the applicable release detection methods in subsection 62-762.601(2), F.A.C., shall be used.

(b) In addition, pressurized small diameter 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. Any instance where the mechanical line leak detector is restricting flow is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

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 shut off power to the pump. Any instance where the electronic line leak detector has shut off power to the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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. Any instance where the monitoring device has shut off the pump is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(5) Bulk product piping and hydrant piping with secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(5), F.A.C.

(6) Bulk product and hydrant piping without secondary containment associated with shop fabricated storage tank systems shall meet the requirements of subsection 62-762.602(6), F.A.C.

(7) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or 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.

(8) Records shall be kept for three years generated on or after (effective date of the rule). Records generated before (effective date of the rule), are required to be kept for two years, in accordance with Rule 62-762.711, F.A.C.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 6-21-04, Amended _____.

62-762.602 Release Detection Requirements for Field Erected Storage Tank Systems.

(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) Any storage tank system without a method, or combination of methods, of release detection in accordance with this section, shall immediately provide a method of release detection, or immediately empty the storage tank system and place the affected system out-of-service, or close the system in accordance with subsection 62-762.802(3), 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 section. Interstitial monitoring can be performed with vacuum, pressure, hydrostatic (liquid-level sensing), sensors or probes, or 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 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 can be inspected visually shall be visually inspected and documented as to its condition pursuant to Rule 62-762.711, 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 and reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. Repairs shall be made in accordance with Rule 62-762.702, F.A.C. A visual inspection is not required for any system component using an electronic release detection method.

(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 62-762.702(4), F.A.C.; and

2. Registered in accordance with subsection 62-762.851(2), F.A.C., except that 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, sensor status, and testing results related to suspected releases shall be printed from any electronic release detection device. 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 containing high viscosity product are exempt from all release detection requirements except for visual inspections.

(2) Storage tanks with secondary containment.

(a) One or more of the following release detection methods shall be used:

1. Liquid level monitoring systems with electronic hydrostatic sensors. These methods 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 and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 can not be maintained. Any alarm that indicates that vacuum levels are not being maintained is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 can not be maintained. Any alarm that indicates that pressure levels are not being maintained is considered a positive response and shall be

reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

4. Electronic sensors in a normally dry interstice. This method shall be able to detect the presence of liquid 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 and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 and shall be reported and investigated as an incident pursuant to Rule 62-762.431, 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 62-762.851(2), F.A.C. Any change indicated above is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

b. Liquid-filled gauges shall be calibrated using NIST traceable standards prior to initial operation. The gauges shall be operational at all times.

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 water or regulated substances in the interstice is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

8. Visual monitoring of dike fields. This method shall be able to detect the presence of regulated substances at a low point in the dike field. The accumulation of water or condensation in the low point of the dike field shall not interfere with the ability to detect regulated substances. Any release of regulated substances in the dike field is considered a positive response and shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(3) Storage tanks without secondary containment.

(a) Required release detection methods.

1. Storage tanks that are exempt from secondary containment shall have monthly visual inspections performed in accordance with paragraph 62-762.602(1)(e), F.A.C.

2. Storage tanks, except those containing high viscosity product, shall have one of the following methods of release detection:

a. Electronic sensing equipment installed beneath the storage tank.

b. External monitoring using tracer or helium testing systems registered in accordance with subsection 62-762.851(2), F.A.C.

c. Another method registered in accordance with subsection 62-762.851(2), F.A.C.

(b) Performance Requirements. Single-walled release detection systems shall be designed and constructed to allow monitoring of the tank for the purpose of discovering if an incident has occurred. Single-walled release detection systems shall be constructed and installed so that groundwater, rainfall, or soil moisture will not render the testing or sampling method inoperative.

1. Electronic sensing equipment placed externally around storage tanks that involve the use of electronic sensors, probes, or fiber-optic systems shall be tested at least annually at intervals not exceeding 12 months to verify that they operate properly. Groundwater and vapor monitoring wells using the placement of sensors or probes in vertical, horizontal, or directionally-drilled wells shall be designed and installed in accordance with the equipment registration for that system.

2. Visual inspections of field erected storage tanks shall include an inspection of the exterior of each tank, the integral piping system, the dike field area, and any other storage system components.

(4) Small diameter integral piping with secondary containment associated with field erected storage tank systems shall meet the requirements of subsection 62-762.601(4), F.A.C.

(5) Bulk product piping and hydrant piping with secondary containment shall have one or more of the release detection methods in subsection 62-762.602(2), F.A.C.

(6) Bulk product and hydrant piping without secondary containment. Single-walled bulk product and hydrant piping in contact with the soil, except those containing high viscosity product, shall have one or more of the following release detection methods:

(a) An annual line pressure test performed in accordance with *Recommended Practice for the Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids, or Carbon Dioxide*, API RP 1110, 6th Edition, February 2013, hereby adopted and incorporated by reference, and available from the

Department address listed in subsection 62-762.211(1), F.A.C., or from the publisher at API, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000, or at <http://www.api.org/>, regardless of the date of installation of the piping.

(b) External monitoring shall be performed in accordance with the requirements of paragraph 62-762.602(1)(d), F.A.C., if designed to detect a discharge from any portion of the integral piping. External release detection methods using fiber optic, acoustic, helium, cable, and chemical marker release detection methods shall be performed monthly, or annually at intervals not exceeding 12 months if approved by a Nationally Recognized Testing Laboratory as having a 0.2 gallons per hour leak rate detection capability.

(c) Internal release detection methods, other than pressure testing, which are registered in accordance with subsection 62-762.851(2), F.A.C., shall be able to detect a leak of 0.2 gallons per hour with a probability of detection of 0.95, and a probability of false alarm of 0.05. Internal release detection systems meeting the 0.2 gallons per hour threshold shall be performed annually at intervals not exceeding 12 months. Annual pigging of bulk product piping can be performed as a method of internal release detection instead of other methods specified above. The pigging must provide ultrasonic thickness, magnetic flux, or other data that demonstrates that the piping does not have holes or sources where product leaks from the pipe.

(d) Bulk product and hydrant piping not in contact with the soil shall be visually inspected in accordance with paragraph 62-762.602(1)(e), F.A.C., monthly but not exceeding 35 days.

(7) Annual operability testing of release detection systems. All release detection devices shall be tested annually at intervals not exceeding 12 months to ensure proper operation. The test must either simulate an actual alarm condition or 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.

(8) Records shall be kept for three years generated on or after (effective date of the rule). Records generated before (effective date of the rule), are required to be kept for two years, in accordance with Rule 62-762.711, F.A.C. Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New _____.

62-762.611 Release Detection Methods. Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed _____.

62-762.641 Performance Standards for Release Detection Methods.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed _____.

62-762.701 Repairs, Operation and Maintenance of Shop Fabricated Storage Tank Systems.

(1) General.

~~(a)~~ Repairs.

~~(a)1-~~ Repairs shall be performed if any component of a storage tank system ~~has is discovered to have:~~

~~1a. A release or discharge, Discharged or has contributed to a the release or discharge of a regulated substance; or~~

~~b. A release of regulated substances or AST water bottoms into secondary containment;~~

~~2e.~~ The presence of groundwater in the interstice of an underground double-walled pipe; or

~~3d.~~ An operational or structural problem that could potentially result in a discharge or release or discharge, or lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.

~~(b)2-~~ 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 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. ~~If repairs are required for any component or part of a storage tank system, and the nature of the repair activities or the condition of the component or part of the system requiring a repair may result in a release, and the component or part cannot be otherwise isolated from the system, the storage tank system shall be taken out of operation until the tank has been repaired or replaced. The restrictions against storage tank system operation shall not apply if the system contains heating oil or other fuels used solely for the generation of electricity where the removal of the storage system from service would result in the shut down of electrical generating units serviced by the system.~~

~~(c)3-~~ Repairs shall be made:

1a. To restore the structural integrity of the storage tank system and in a manner that will prevent releases or discharges from structural failure for the remaining operational life of the storage tank system; and ~~In a manner that will prevent discharges from structural failure or~~

corrosion for the remaining operational life of the storage tank system;

~~2b.~~ In accordance with manufacturer's specifications ~~and~~, NFPA Standard 30 or other applicable reference requirements standards; and

~~c.~~ To restore the structural integrity of the storage tank system.

~~(d)4.~~ Repairs shall be evaluated and performed in accordance with *Standard for Repair of Shop Fabricated Aboveground Tanks*, STI SP031, 4th Edition, November 2008, hereby adopted and incorporated by reference, and available from the address listed in subsection 62-762.211(1), F.A.C., or from the publisher at STI, 944 Donata Court, Lake Zurich, IL 60047, (847) 438-8265, or at <https://www.steeltank.com/>, or other equivalent procedures, regardless of the date of installation of the storage tank system or storage tank system component. Repaired components shall be tightness tested, pressure tested, or tested for a breach of integrity, as applicable, before being placed back into service.

~~(e)5.~~ Repaired tanks, integral piping, sumps, and spill containment systems shall be integrity tested for liquid tightness before being placed back into operation. Repairs to fiberglass reinforced plastic tanks shall be made by an authorized representative of the tank manufacturer or its successor, or in accordance with subsection 62-762.501(2), F.A.C.

~~(f)6.~~ Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or repaired. Repairs of pipe sections, sump penetration fittings, and pipe fittings shall ~~may~~ be ~~made repaired~~ in accordance with applicable requirements standards in subsections 62-762.501(3) and ~~(4)62-762.501(3)~~, F.A.C. Replacement of additional lengths of single-walled piping in contact with the soil are exempt from the requirements for secondary containment, provided that:

~~1a.~~ The piping system does not have, or will not have to install, secondary containment until the deadlines established in Rule ~~62-762.50162-762.544~~, F.A.C.; and

~~2b.~~ The length of replacement or additional piping is less than 25 percent% of the total length of the existing integral piping for the individual tank, or 100 feet, whichever is ~~more~~ less for each repair event.

~~(2)(b)~~ Cathodic and corrosion protection.

~~(a)1.~~ Cathodic and corrosion protection systems shall be installed, 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 interstitial spaces using vapor corrosion inhibitor technologies.

~~(b)2.~~ Inspection and testing requirements.

~~1a. General.~~ Storage tank systems equipped with any type of cathodic protection, regardless of the date of installation of

the storage tank system or storage tank system component, must be inspected, ~~and tested, and evaluated~~ by or under the ~~direction of~~ a Corrosion Professional or a Cathodic Protection Tester 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 SP0169-2013, 2013 Edition, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C., and *External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, NACE Standard SP0285-2011, 2011 Edition, hereby adopted and incorporated by reference, and available in paragraph 62-762.211(2)(g), F.A.C., regardless of the date of installation of the storage tank system or storage tank system component. 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 thereafter in accordance with the criteria contained in NACE International RP 0169-96 and RP 0193-93, as applicable. Factory installed (galvanic) cathodic protection systems may be tested every three years.

~~2b.~~ Storage tank systems equipped with impressed current systems. Storage tank systems with impressed current systems shall be inspected at intervals not exceeding ~~once every 60 days~~ two months. 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 ~~2,976~~ 1440 hours in one year shall be 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 or be taken out-of-service and assessed by a Corrosion Professional before being returned to service.

~~(c)e.~~ 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 62-762.711(3)(c), F.A.C. Sacrificial anode systems. Storage tank systems with sacrificial anodes shall either have permanent test stations for soil to structure potential measurements or use temporary field test stations for annual testing in accordance with ~~sub subparagraph~~ 62-762.701(1)(b)2.a., F.A.C.

~~(d)3.~~ 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:

1a. Be repaired within 90 days in accordance with paragraph 62-762.701(1)(c), or paragraph 62-762.702(1)(c) sub-subparagraph 62-762.701(1)(b)2.a., F.A.C., or

2b. Be closed placed out of service in accordance with subsection 62-762.801(2), or subsection 62-762.802(3)–62-762.801(4), F.A.C.

4. Records of the continuous operation of impressed current systems and all cathodic protection inspection and testing activities shall be maintained in accordance with paragraph 62-762.701(1)(b), F.A.C.

(3) Vapor Corrosion Inhibitor Systems.

(a) Vapor Corrosion Inhibitor systems, if installed, shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed spaces for storage tank systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI 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 thereafter.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(c), F.A.C.

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days and be retested within 90 days from the date of replenishment; or

2. Be closed in accordance with subsection 62-762.801(2), F.A.C.

(4)(e) 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 or PEI/RP1200-12, 2012 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)8., F.A.C. 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: Spill containment devices, dispenser liners, and piping sumps shall be maintained to provide access for monthly examination and water removal as necessary. Water collected in spill containment devices, or in piping sumps and dispenser liners

that is above the opening of the integral piping connection, or any regulated substances collected in these storage tank system components shall be removed and be either reused or properly disposed of.

a. Double-walled storage tanks and below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;

b. Below-grade piping sumps shall be tested by October 13, 2018, and every three years thereafter;

c. Below-grade dispenser sumps shall be tested by October 13, 2018, and every three years thereafter;

d. Below-grade spill containment systems shall be tested within one year of (effective date of the rule), and at intervals not exceeding every three years thereafter; and

e. Below-grade hydrant sumps shall be tested within one year of (effective date of the rule), and every three years thereafter.

2. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C. Owners or operators shall ensure that the volume available in the tank is greater than the volume of regulated substances to be transferred to the tank before the transfer is made and shall ensure that any transfer is repeatedly monitored to prevent overfilling and spilling.

3. All release detection devices shall be tested annually to ensure proper operation. 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.

(b)4. Water removal. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

1. Spill containment systems, interstitial spaces, dispenser sumps, and piping sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substances 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.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

(c)5. Exterior Coatings shall may be maintained to prevent corrosion in accordance with SSPC-PA 1.

6. Regardless of the method of release detection used, inventory control shall be performed for ASTs containing vehicular fuel that do not have secondary containment.

(5)(2) Stormwater management for secondary containment systems.

(a) The removal ~~or release~~ of stormwater from a facility should be performed in accordance with all applicable Department rules (for example, Chapter 62-25, F.A.C., Regulation of Stormwater Discharge). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.

(b) No change.

1. No change.

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated substances.

(c) No change.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., which is designed to allow filtration of water and prevent discharges of contaminated water.

(6)(3) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems in contact with the soil associated with shop fabricated storage systems shall meet the requirements of subsection 62-762.702(7), F.A.C. API 653 inspections. Field erected tanks shall be evaluated and the re-testing frequency established and implemented in accordance with API Standard 653. AST Category B and Category C tanks shall be evaluated at the time of installation. Initial examinations for AST Category A and Category B tanks shall be completed by December 31, 1999. Evaluations shall be certified by a professional engineer registered in the State of Florida, or approved by an API 653 inspector. Non-destructive testing shall be performed by qualified personnel as specified in API 653 and API 650. All field erected tanks shall be repaired in accordance with API Standard 653.

(4) Testing for piping in contact with soil.

(a) piping shall be tightness tested before being placed back into service whenever dispensers connected to that piping are replaced or whenever the piping has been disconnected and then reconnected.

(b) Hydrant piping and bulk product piping shall be pressure tested in accordance with paragraph 62-762.641(3)(e), F.A.C., before being placed back into service.

(5) Bulk product piping extending over surface water shall:

(a) Be tested annually in accordance with Title 33, Part 156.170, Code of Federal Regulation; and

(b) Be maintained and operated in accordance with Title 33, Part 154, as applicable.

(6) Secondary containment systems shall be repaired as necessary to maintain product tightness and containment volume of the system, including sealing cracks in concrete, repairing punctures, and maintaining containment walls. If the storage tank secondary treatment system has a crack, puncture,

or other defect that compromises the system's product tightness, the system shall be repaired in accordance with paragraph 62-762.501(1)(e), F.A.C.

(7) Overfill protection shall be performed in accordance with API RP 2350 and NFPA 30, Section 2-10, for each field-erected AST that receives fuel by mainline pipeline or marine vessels.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History--New 6-21-04, Amended .

62-762.702 Repairs, Operation and Maintenance of Field Erected Storage Tank Systems.

(1) Repairs.

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

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

2. The presence of groundwater in the interstice of an underground double-walled pipe; or

3. An operational or structural problem that could potentially result in a release or discharge, or lead to the presence of water in the interstice of a storage tank or integral piping other than condensate.

(b) The storage tank system shall immediately cease operating 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 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.

(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 requirements.

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

(e) Piping that is damaged or that has caused a discharge of a regulated substance shall be replaced or repaired. Repairs of pipe sections, sump penetration fittings and pipe fittings shall be made in accordance with applicable requirements in subsections 62-762.502(3) and (4), F.A.C. Replacement of additional lengths of single-walled piping in contact with the

soil are exempt from the requirements for secondary containment, provided that:

1. The piping system does not have, or will not have to install secondary containment until the deadlines established in Rule 62-762.502, F.A.C.; and

2. The length of replacement or additional piping is less than 25 percent of the total length of the existing integral piping for the individual tank, or 100 feet, whichever is more for each repair event.

(2) Cathodic and corrosion protection.

(a) Cathodic and corrosion 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 interstitial spaces using vapor corrosion inhibitor technologies.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with cathodic protection, regardless of the date of installation of the storage tank system or storage tank system component, 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 SP0169-2013, 2013 Edition, incorporated by reference in subparagraph 62-762.501(3)(c)2., F.A.C., and SP0285-2011, 2011 Edition, incorporated by reference in subparagraph 62-762.701(2)(b)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 equipped 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 2,976 hours in one year shall be 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 or taken out-of-service and assessed by a Corrosion Professional 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 62-762.711(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 paragraph 62-762.702(1)(c), F.A.C., or

2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(3) Vapor Corrosion Inhibitors Systems.

(a) Vapor Corrosion Inhibitor systems, if installed, shall be operated and maintained to provide continuous corrosion protection to the metal surfaces within the interstitial spaces of storage tanks, piping and other enclosed spaces for storage tank systems.

(b) Inspection and testing requirements.

1. Storage tank systems equipped with VCI 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 thereafter.

2. Systems using vapor corrosion inhibitor technology must be tested in accordance with manufacturer's instructions.

(c) Records of the continuous operation of VCI systems and all inspection, testing, and repair activities shall be maintained in accordance with paragraph 62-762.711(3)(c), F.A.C.

(d) Storage tank systems with VCI protection systems that have been determined by a Corrosion Professional that the VCI system requires replenishing shall:

1. Be replenished or replaced within 90 days of the determination, and be retested within 90 days from the date of replenishment; or

2. Be closed in accordance with subsection 62-762.802(3), F.A.C.

(4) Operation and maintenance.

(a) Integrity testing

1. The integrity of secondary containment systems and interstitial spaces shall be verified by performing an interstitial or containment integrity test in accordance with API Std 653, November 2014, incorporated by reference in subsection 62-762.411(3), F.A.C.; API 570, November 2009, incorporated by reference in subsection 62-762.411(3), F.A.C.; or PEI/RP1200-12, 2012 Edition, incorporated by reference in subparagraph 62-762.501(1)(b)8., F.A.C., as applicable, regardless of the date of installation of the storage tank system. 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 below-grade double-walled piping shall be tested at the time of installation and at the time of any subsequent repair;

b. Below-grade piping sumps shall be tested by October 13, 2018, and every three years thereafter;

c. Below-grade spill containment systems shall be tested within one year of (effective date of the rule), and at intervals not exceeding every three years thereafter; and

d. Below-grade hydrant sumps shall be tested within one year of (effective date of the rule), and every three years thereafter.

2. Any integrity test that indicates that the component is not tight shall be reported and investigated as an incident pursuant to Rule 62-762.431, F.A.C.

(b) Water removal.

1. Interstitial spaces and sumps shall be maintained to provide access for examination and water removal. Water in excess of one inch in depth, or any regulated substances collected in secondary containment or in sumps shall be removed within 72 hours of discovery and be either reused or properly disposed.

2. Petroleum Contact Water. Petroleum contact water from storage tank systems shall be managed in accordance with Chapter 62-740, F.A.C.

(c) Exterior Coatings shall be maintained to prevent corrosion.

(5) Stormwater management for secondary containment systems.

(a) The removal of stormwater from a facility should be performed in accordance with all applicable Department rules. Owners and operators are advised that other federal, state, or local requirements apply to these activities.

(b) Accumulated stormwater shall:

1. Be drawn off within one week after a rainfall event unless another frequency is allowed by the facility's stormwater discharge permit or by another instrument, such as a Spill Prevention Control Countermeasure Plan or a Department permit; and

2. Not be discharged without treatment if it has free product, a visible sheen, sludge, or emulsion of regulated substances.

(c) If gravity drain pipes are used to remove water from the dike field areas, all valves shall be kept closed except when the operator is in the process of draining water.

(d) The removal of stormwater from a dike field area or secondary containment system can be continuously removed through equipment registered in accordance with subsection 62-762.851(2), F.A.C., that is designed to allow filtration of water and prevent discharges of contaminated water.

(6) Evaluation and testing. Tanks shall be evaluated and the re-testing frequency established and implemented in accordance with API Std 653, November 2014, incorporated by reference in subsection 62-762.411(3), F.A.C. Storage tanks shall be evaluated at the time of installation. Evaluations

shall be certified by a professional engineer licensed in the State of Florida, or approved by an API Std 653 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API Std 650, incorporated by reference in subsection 62-762.201(67), F.A.C., and API Std 653, November 2014. All field erected tanks shall be repaired in accordance with API Std 653, November 2014. Field erected tanks with storage capacities of less than 250,000 gallons may be evaluated in accordance with STI SP001, Revised 2011, incorporated by reference in subsection 62-762.411(3), F.A.C., in lieu of API Std 653, November 2014.

(7) Evaluation and testing of single-walled metallic bulk product and hydrant piping systems. Single-walled metallic bulk product and hydrant piping systems in contact with the soil, excluding those containing high viscosity products, shall be evaluated and the re-testing frequency established and implemented in accordance with API 570, November 2009, incorporated by reference in subsection 62-762.411(3), F.A.C. Evaluations shall be certified by a professional engineer licensed in the State of Florida or by an API 570 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API 570, November 2009. All single-walled metallic bulk product and hydrant piping systems in contact with the soil shall be repaired in accordance with API 570, November 2009.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New

62-762.711 Recordkeeping.

(1) All records, whether in paper or electronic format, shall be dated, ~~maintained in permanent form,~~ 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 working days of receipt of the Department's or County's request notice. Site access to the facility shall be provided for compliance inspections conducted at reasonable times.

(2) Records of the following generated on or after (effective date of the rule), are required to be kept for ~~three~~ two years. Records of the following generated before (effective date of the rule), are required to be kept for two years:

(a) ~~Measurements and reconciliations of inventory, as applicable;~~

(~~b~~) Repair, operation, and maintenance records;

(~~b~~)(~~e~~) ~~All r~~Release detection results, including a record or summary of the alarm history, sensor status, and testing results for electronic systems, electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraphs 62-762.601(1)(e) and 62-762.602(1)(e) ~~62-762.641(2)(e), F.A.C. The presence of a~~

~~regulated substance's odor, sheen, or free product shall be recorded for each sampling event;~~

~~(c)(d) All test data and results gathered during annual operability tests and integrity tests. Release detection response level descriptions; and~~

~~(d)(e) Records of the types of fuels stored per tank. A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-762.851, F.A.C.;~~

~~(f) Certification of Financial Responsibility on Form 62-761.900(3);~~

~~(g) Records of types of fuels stored per tank; and~~

~~(h) The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.~~

~~(3) Records of the following, generated after July 13, 1998, shall be maintained until for the life of the storage tank system closure:~~

~~(a) Manufacturer's instructions for operation, maintenance, and testing for release detection equipment. Results of internal inspections and non-destructive testing;~~

~~(b) Any performance claims for release detection equipment described in writing by the equipment manufacturer or installer;~~

~~(b)(e) Records of storage tank system installations, replacements, recertifications, and upgrades;~~

~~(c)(d) Records of installation, maintenance, inspections, and testing of cathodic and corrosion protection systems in accordance with NACE, a Corrosion Professional or STI standards;~~

~~(d)(e) Survey drawings as specified in paragraphs 62-762.501(1)(i) and 62-762.502(1)(i), F.A.C. Site suitability determinations in accordance with subsection 62-762.641(2), F.A.C.~~

~~(e)(f) A copy of all INFs, and the results of all incident investigations as specified in Rule 62-762.431, F.A.C.; Vapor monitoring plans and all records kept pursuant to the plan; and~~

~~(f)(g) A copy of all DRFs; Closure assessment reports if the location continues as a facility.~~

~~(g) A copy of all documents required in Rules 62-762.801 and 62-762.802, F.A.C., if the location continues as a facility;~~

~~(h) Results of internal inspections and non-destructive testing;~~

~~(i) Records documenting compliance with subparagraphs 62-762.501(1)(b)3. and 62-762.502(1)(b)3., F.A.C., for storage tanks systems with secondary containment constructed of concrete installed after (effective date of the rule); and~~

~~(j) 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 financial responsibility for storage tank systems through other permitted methods shall be maintained for the duration of the effective period of that financial responsibility method.

(4) The Department strongly encourages that all records relating to financial responsibility be maintained permanently. Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303, 403.091 FS. History—New 6-21-04, Amended.

62-762.801 Out-of-Service and Closure Requirements for Shop Fabricated Storage Tank Systems.

(1) Temporary out of service. Field erected storage tank systems taken temporarily out of service shall:

(a) Continue to operate and maintain corrosion protection in accordance with paragraph 62-762.701(1)(b), F.A.C.;

(b) If the tank system has an external release detection method, perform release detection monthly in accordance with applicable provisions of Rules 62-762.601-641, F.A.C.; and

(c) Leave venting systems open and functioning.

(1)(2) Out-of-service storage tank systems.

(a) General.

(a)1. Storage tank systems that are taken out-of-service, as required in this subsection defined in subsection 62-762.201(53), F.A.C., shall continue to be maintained in accordance with this Rule.:

(b) Facility owners and operators of out-of-service storage tank systems shall:

1a. Continue to operate and maintain corrosion protection in accordance with subsection 62-762.701(2) paragraph 62-762.701(1)(b), F.A.C.;

2b. Continue to maintain and demonstrate financial responsibility pursuant to Rule 62-762.421, F.A.C. Perform external release detection for sites without contamination, as applicable, every six months in accordance with provisions of subsection 62-762.641(2), F.A.C.;

3e. Leave vent lines open and functioning;

4d. Remove all regulated substances so that no more than one inch in depth or 0.3 percent by weight of the regulated substances remains in the storage tank. Empty the system and cap or secure all lines, pumps, manways, and ancillary equipment, as applicable; and

5e. Secure or close off the system to outside access.

2. If the storage tank system is required to be upgraded during the time that it is out of service, it shall be upgraded or replaced in accordance with this chapter before it is returned to service.

(c)3. Release detection device annual operability testing, containment and integrity testing, and annual overflow protection device testing are not required while the system is

~~properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, storage tank systems that have been out-of-service for more than 365 days must be evaluated in accordance with the following prior to being returned to service: Systems with secondary containment installed and operated in accordance with this chapter may remain in a continuous out of service status for ten years. After this period, the system shall be returned to service or closed in accordance with subsection 62-762.801(3), F.A.C.~~

~~1. STI SP001, Revised 2011, incorporated by reference in subsection 62-762.411(3), F.A.C., regardless of the date of installation of the storage tank system; and~~

~~2. Integrity tested in accordance with Rule 62-762.701, F.A.C., for integral piping in contact with the soil.~~

~~(d)4. Storage tank systems with secondary containment 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 paragraph 62-762.801(2)(b), F.A.C. Tightness, pressure, or other tests shall be performed in accordance with subsection 62-762.641(3), F.A.C., as applicable, on any systems being returned to service.~~

~~(e)(b) Storage tank systems without secondary containment shall not remain in a continuous out-of-service status for more than five years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.801(2)(b), F.A.C. Before the expiration of this five year time period, any remaining product and sludges shall be removed, and a closure assessment shall be performed in accordance with subsection 62-762.801(4), F.A.C. for:~~

~~1. AST Category A and Category B systems, regardless of when taken out of service, by December 31, 1999; or~~

~~2. Systems taken out of service after July 13, 1998.~~

~~(e) Out-of-service tanks that are returned to service shall be:~~

~~1. Inspected and evaluated in accordance with subparagraph 62-762.501(3)(b)1., F.A.C., for shop fabricated tanks; or~~

~~2. Structurally evaluated in accordance with API Standard 653 for field erected tanks, unless the system has been out of service for less than six months.~~

~~(d) Field erected tanks changing the type of product stored within the tank shall comply with API Standard 653, Section 2.2.4.~~

~~(2)(3) Closure of storage tank systems.~~

~~(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection: General:~~

~~1. A storage tank system that is out-of-service, and has not had regulated substances added to or withdrawn from the system for more than: Closure of storage tank systems shall be performed by:~~

~~a. Five years for single-walled storage tank systems; or Removing all liquids and accumulated sludges;~~

~~b. 10 years for storage tank systems with secondary containment. Disconnecting and capping, or removing, all integral piping. Manways shall be secured to prevent access;~~

~~c. Closing the storage tank system in accordance with paragraph 62-762.801(3)(b), F.A.C., as applicable; and~~

~~d. Conducting a closure assessment in accordance with subsection 62-762.801(4), F.A.C.~~

~~2. A storage tank system that fails to meet or, if required, is not modified to meet the storage tank system requirements of Rule 62-762.501, F.A.C. After closure, storage tank systems may be used to store materials or substances other than regulated substances in accordance with all applicable Department reference standards, (for example, API 1604). Owners and operators are advised that other federal, state, or local requirements may apply to these activities.~~

~~3. A storage tank system that requires repair pursuant to Rule 62-762.701, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed. Monitoring wells associated with closed systems that are not being used for release detection or site assessment purposes shall be closed in accordance with paragraph 62-762.601(1)(k), F.A.C.~~

~~4. A storage tank system where financial responsibility is not maintained and demonstrated pursuant to Rule 62-762.421, F.A.C.~~

~~(b) Closure of storage tank systems shall be performed by: Unmaintained systems shall be permanently closed within 90 days of discovery.~~

~~1. Conducting a Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(8), F.A.C., and completing the Closure Integrity Evaluation Report Form for ASTs 62-762.901(7) (Closure Integrity Report), incorporated by reference in paragraph 62-762.411(2)(c), F.A.C. The form shall be submitted in paper 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 federal, state, and local requirements.~~

~~3. Removing or disconnecting and capping all integral piping;~~

~~4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated~~

substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with Chapter 22 of NFPA 30, 2015 Edition, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks and single-walled integral piping in contact with the soil, regardless of the date of installation of the storage tank system or storage tank system component, an investigation shall be conducted during closure in accordance with *Instructions for Conducting Sampling During Aboveground Storage Tank Closure*, 2016 Edition, or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>, hereby adopted and incorporated by reference, and available at the address given in paragraph 62-762.211(2)(e), F.A.C.; and

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

7. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed.

~~(c) The tank shall be rendered free of pollutant vapors at the time of closure to prevent hazardous explosive conditions, and maintained to prevent future explosive conditions.~~

~~(d) The tank shall be protected from flotation in accordance with NFPA 30, Section 2-6.~~

~~(3)(4) Closure Integrity Report, Closure Report, and Limited Closure Report Closure assessment of storage tank systems.~~

~~(a) Closure Integrity Report. At time of closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non regulated substance, an assessment shall be performed to determine if a discharge from the system or system components has occurred.~~

1. A Closure Integrity Evaluation for shop fabricated storage tank systems as defined in subsection 62-762.201(8), F.A.C., must be performed no more than 45 days prior to closure or replacement 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 ~~if a Site Rehabilitation Completion Order (SRCO) or a Monitoring~~

~~Only Plan (MOP) Approval Order has been issued by the Department for a contaminated area of a site, a closure assessment shall be performed for any subsequent storage tank system removal, replacement, or installation of secondary containment.~~

2. A Closure Integrity Evaluation requires a visual assessment of the interstitial space of double-walled storage tanks, double-walled integral piping, double-walled piping sumps, double-walled dispenser sumps, and double-walled 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. Other methods approved by the manufacturer or the Department such as vacuum, pressure, or inert gases may be used instead of visual observations. Tanks, pipes, or other system components in contact with soil at any site are subject to closure assessment requirements.

3. A Closure Integrity Evaluation for single-walled piping sumps, single-walled dispenser sumps, and single-walled spill containment systems that are completely below-grade requires a hydrostatic test or another test approved by the manufacturer.

4. Storage tank systems and system components not in contact with the soil do not require a closure integrity evaluation.

5. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

6. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule 62-762.431, 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 Aboveground Storage Tank Closure*, regardless of the date of installation of the storage tank system or system component being closed.

7. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.801(3)(a)1., 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 Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting Sampling During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of

completion of the closure or replacement. The Closure Report shall be prepared in accordance with Instructions for Conducting Sampling During Aboveground Storage Tank Closure. A closure assessment is not required for:

1. Sites with documented contamination requiring a site assessment in accordance with Chapter 62-770, F.A.C., including those that are eligible for the Early Detection Incentive Program (EDI), the Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), and the Petroleum Cleanup Participation Program (PCPP), pursuant to Sections 376.3071 and 376.3072, F.S. Nevertheless, documentation of procedures followed and results obtained during closure shall be reported in a Limited Closure Summary Report, Form 62-761.900(8), and in accordance with Section A of DEP's "Storage Tank System Closure Assessment Requirements";

2. Systems initially installed with secondary containment, provided that no unexplained positive response of an interstitial release detection device or method occurred during the operational life of the system, or the secondary containment passed a breach of integrity test prior to closure;

3. Systems upgraded with secondary containment that have closed interstitial spaces, where a closure assessment was performed prior to installation of secondary containment, provided that the secondary containment passed a breach of integrity test in accordance with paragraph 62-762.641(3)(a), F.A.C.;

4. Double-walled shop-fabricated aboveground tanks; and

5. Aboveground systems with storage capacities less than 1,100 gallons that are upgrading with secondary containment, and that are elevated from and not in contact with the soil. Instead of performing a closure assessment, a visual inspection may be performed of the system and the ground surface underneath it for signs of a discharge. Written certification shall be provided to the County within 10 days after installation of the secondary containment, documenting that there has been no discharge.

(c) Limited Closure Report. Form 62-762.901(8), Limited Closure Report Form for ASTs, incorporated by reference in subsection 62-762.421(2), F.A.C., shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances: Closure assessment sampling and analysis shall be conducted according to DEP's "Storage Tank System Closure Assessment Requirements."

1. Where a Closure Integrity Evaluation passed;

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

3. Where a Closure Integrity Evaluation or Closure Report were not required because the closure only involved a

storage tank system or system components that were not in contact with the soil.

(d) A closure assessment report shall be submitted to the County within 60 days of completion of any of the activities listed in paragraph 62-762.801(4)(a), F.A.C. The report shall include sample types, sample locations and measurement methods, a site map, methods of maintaining quality assurance and quality control, and any analytical results obtained during the assessment in accordance with DEP's "Storage Tank System Closure Assessment Requirements."

(e) Persons are advised that contaminated soil excavated, disposed of, or stockpiled on site during the closure of a storage tank system is regulated by Chapter 62-770, F.A.C. Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended .

62-762.802 Out-of-Service and Closure Requirements for Field Erected Storage Tank Systems.

(1) Temporary out-of-service. Field erected storage tank systems taken temporarily out-of-service are those that are emptied solely for the purpose of cleaning, routine maintenance, or change of product for a time period exceeding 90 days, but less than 365 days. These storage tank systems shall:

(a) Continue to operate and maintain corrosion protection in accordance with subsection 62-762.702(2), F.A.C.;

(b) Perform release detection monthly in accordance with applicable provisions of Rule 62-762.602, F.A.C., if the tank system has an external release detection method;

(c) Leave venting systems open and functioning; and

(d) Be returned to in-service status or be designated as out-of-service within 365 days of being taken temporarily out-of-service.

(2) 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 62-762.702(2), F.A.C.;

2. Continue to maintain and demonstrate financial responsibility pursuant to Rule 62-762.421, 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 the regulated substances remains in the storage tank; and

5. Secure or close off the system to outside access.

(c) Facility owners and operators of out-of-service storage tank systems shall monitor tank bottom release detection systems or devices annually but not to exceed 12 months.

Records of these inspections shall be maintained in accordance with subsection 62-762.711(2), F.A.C. In the event that there is any positive response of a tank bottom release detection device, an INF must be submitted in writing or electronic format and an investigation as to the cause performed pursuant to Rule 62-762.431, F.A.C.

(d) Release detection device annual operability testing, containment and interstitial integrity testing, and annual overflow protection device testing are not required while the system is properly out-of-service. All aforementioned testing shall be up-to-date in accordance with this Chapter and indicate proper operation before adding regulated substances to the storage tank system. In addition, before being returned to service, storage tank systems that have been out-of-service for more than 365 days must be:

1. Structurally evaluated in accordance with API Std 653, November 2014, for field erected tanks, incorporated by reference in subsection 62-762.411(3), F.A.C.; and

2. Integrity tested in accordance with Rule 62-762.702, F.A.C., for integral piping.

(e) Storage tank systems with secondary containment 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 paragraph 62-762.802(3)(b), F.A.C.

(f) Storage tank systems without secondary containment shall not remain in a continuous out-of-service status for more than five years. Upon expiration of this time period, the storage tank system must be closed in accordance with paragraph 62-762.802(3)(b), F.A.C.

(g) Field erected tanks changing the type of product stored within the tank shall comply with API Std 653, November 2014, incorporated by reference in subsection 62-762.411(3), F.A.C.

(3) Closure of storage tank systems.

(a) The following storage tank systems must be closed within 90 days in accordance with the provisions of this subsection:

1. A storage tank system that is out-of-service, and has not had regulated substances added to or withdrawn from the system for more than:

a. Five years after (effective date of the rule), for single-walled storage tank systems; or

b. 10 years after (effective date of the rule), for storage tank systems with secondary containment.

2. A storage tank system that fails to meet or, if required, is not modified to meet the Storage Tank System requirements of Rule 62-762.502, F.A.C.

3. A storage tank system that requires repair pursuant to Rule 62-762.702, F.A.C., but cannot be repaired to operate in accordance with the requirements of this Chapter shall be

taken out-of-service. If it cannot be repaired within 365 days after being taken out-of-service, it shall be permanently closed.

4. A storage tank system where financial responsibility is not maintained and demonstrated pursuant to Rule 62-762.421, F.A.C.

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

1. Conducting a Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(9), F.A.C., and completing the Closure Integrity Evaluation Report Form for ASTs 62-762.901(7) (Closure Integrity Report), incorporated by reference in paragraph 62-762.411(2)(c), F.A.C. The form shall be submitted in paper 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 federal, state, or local requirements;

3. Removing or disconnecting and capping all integral piping;

4. Removing and disposing of a storage tank, or in-place closure by rendering the storage tank free of regulated substances and vapors at the time of closure to prevent hazardous explosive conditions, by maintaining the storage tank to prevent future explosive conditions, and by protecting the storage tank from flotation in accordance with Chapter 22 of NFPA 30, 2015 Edition, incorporated by reference in paragraph 62-762.201(36)(a), F.A.C. In lieu of in-place closure or removal, a storage tank may be used to store liquids other than regulated substances. Owners and operators are advised that other federal, state, or local requirements apply that regulate these activities;

5. For single-walled storage tanks, and single-walled integral piping in contact with the soil, regardless of the date of installation of the storage tank system or storage tank system component, an investigation shall be conducted during closure in accordance with *Instructions for Conducting Sampling During Aboveground Storage Tank Closure*;

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

7. For single-walled storage tanks and single-walled integral piping that are not in contact with the soil, a visual inspection must be performed to determine if any discharges have occurred.

(4) Closure Integrity Report, Closure Report, and Limited Closure Report.

(a) Closure Integrity Report.

1. A Closure Integrity Evaluation for field erected storage tank systems as defined in subsection 62-762.201(9), F.A.C.,

must be performed no more than 45 days prior to closure or replacement for all double-walled and double-bottomed storage tanks, double-walled integral piping, and hydrant sumps in contact with soil. Spill containment systems that are completely below-grade also require a Closure Integrity Evaluation. 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 and double-bottomed storage tanks, double-walled integral piping, and double-walled hydrant sumps 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. Other methods approved by the manufacturer 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 hydrant sumps that are in contact with the soil, and single-walled spill containment systems that are completely below-grade require a hydrostatic test or another test approved by the manufacturer.

4. Storage tank system and system components not in contact with soil do not require a Closure Integrity Evaluation.

5. The County must be provided with a copy of the Closure Integrity Report as part of the notification process pursuant to paragraph 62-762.411(2)(c), F.A.C.

6. A failed Closure Integrity Evaluation requires the reporting of the failed evaluation as an incident in accordance with paragraph 62-762.431(1)(f), F.A.C., and the investigation of the incident in accordance with Rule 62-762.431, 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 Aboveground Storage Tank Closure*, regardless of the date of installation of the storage tank system or system component being closed.

7. The owner or operator who does not conduct a Closure Integrity Evaluation, as required in subparagraph 62-762.802(4)(a)1., 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 Aboveground Storage Tank Closure*.

(b) Closure Report. In cases where an investigation is conducted at the time of closure in accordance with *Instructions for Conducting Sampling During Aboveground Storage Tank Closure*, a Closure Report shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement. The Closure Report shall be prepared in accordance with *Instructions for*

Conducting Sampling During Aboveground Storage Tank Closure.

(c) Limited Closure Report. Form 62-762.901(8), Limited Closure Report Form for ASTs, incorporated by reference in subsection 62-762.421(2), F.A.C., shall be submitted in writing or electronic format to the County within 60 days of completion of the closure or replacement in the following instances:

1. Where a Closure Integrity Evaluation passed;

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

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

Rulemaking Authority 376.303 FS. Law Implemented 376.303 FS. History—New _____.

62-762.821 Incident and Discharge Response.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Repealed _____.

62-762.851 Alternative Procedures Requirements and Equipment Registration Approvals.

(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 alternate procedures or requirements on Form 62-762.901(4), Alternative Procedure Form, effective date, (*effective date of the rule*), hereby adopted and incorporated by reference. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the _____ Department's _____ website _____ at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(b) No change.

1. No change.

2. The specific provisions of this Chapter 62-762, F.A.C., from which an exception is sought;

3. through 4. No change.

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 established requirement; and

6. No change.

7. If an ~~alternative alternate~~ 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: Within 60 days of the receipt of a request for approval of an alternative procedure or requirement, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(1), F.A.C., are met.~~

1. Approving the request with any conditions necessary to meet the requirements of paragraph 62-762.851(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 62-762.851(1)(b), F.A.C., have been met.

~~(d) The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual storage tank system or facility in accordance with this rule or shall issue an order denying the request for such approval. 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 Equipment approvals.

(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. Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use, with the exception of:

(b) Any storage tank system equipment installed after (effective date of the rule), must be registered with the Department in accordance with this subsection. Upon

discovery, non-registered storage tank system equipment installed after (effective date of the rule), must be removed within 90 days, unless registration is 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 (effective date of the rule), 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 62-762.901(9), Storage Tank Equipment Registration Form, (Equipment Registration Form) effective date (effective date of the rule), hereby adopted and incorporated by reference. To obtain copies of this form see Rule 62-762.901, F.A.C., or www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>. The following storage tank system equipment is exempt from registration:

1. No change;
2. Monitoring well bailers;
3. Manhole and fillbox covers;
4. Valves;
5. Cathodic protection test stations;
6. Metallic bulk product piping;
7. Small diameter integral piping not in contact with soil, unless the piping extends over or into surface waters;
8. Vent lines; and
9. AST vents; and
9. Gauges used for vacuum and pressure monitoring.

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

~~(f)(e)~~ 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; and
3. A professional certification or determination that the equipment meets the performance requirements standards contained in this Chapter; Rule 62-762.501, F.A.C.

4. Integrity test requirements and procedures;

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

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

~~(g)(d)~~ Release detection methods and tank and piping tightness and pressure testing methods must be registered in accordance with this subsection prior to being used ~~Within 60 days of the receipt of a request for an equipment approval, the Department shall approve the request or notify the responsible party in writing that the request does not demonstrate that the requirements of subsection 62-762.851(2), F.A.C., are met.~~

~~(h)(e)~~ 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 62-762.851(2)(f), F.A.C. The Secretary or the Secretary's designee shall specify by order each equipment approval that is approved in accordance with this rule or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(i) 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. ~~Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04, Amended _____.~~

62-762.891 Mineral Acid Storage Tank Requirements.

The purpose of this Rule is to minimize the occurrence and environmental risks of discharges from aboveground storage tanks having capacities greater than 110 gallons that contain hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid if at least 20 percent by weight of the solution is one of the five listed acids. Mineral acid storage tank systems are only subject to Rule 62-762.891, F.A.C.

(1) Definitions. All words and phrases defined in Section 376.321, F.S., shall have the same meaning when used in this Rule unless specifically stated otherwise in this Rule. See Section 376.321, F.S., for the definition of the following terms: "Aboveground," "Facility," "Flow-through process tank," "Mineral acids," "Nonresidential," "Operator," "Owner," and "Permitted wastewater treatment system." The following words, phrases, or terms used in this Rule, unless the context indicates otherwise, shall have the following meaning:

(a) "Aboveground" means that more than 90 percent of a tank volume is not buried below the ground surface. An aboveground tank may either be in contact with or elevated above the ground.

(b) "Containment and integrity plan" or "CIP" means a document designed, created, and maintained at a facility, which shall be considered a public record and made available pursuant to the provisions of Chapter 119, F.S. The CIP establishes procedures for the inspection and maintenance program for tanks storing mineral acids at that facility. The inspection and maintenance program shall be designed for the chemical and physical characteristics of the specific mineral acid stored, and for the specific materials of construction of the tank. The CIP shall be designed to ensure control of the specific mineral acid for the expected lifetime of the tank. Form 62-762.891(1) Containment and Integrity Plan Certification Form, effective date, *(effective date of the rule)*, is hereby adopted and incorporated by reference, and copies are available from the Division of Waste Management, Department of Environmental Protection, M.S. 4500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or www.flrules.org/Gateway/reference.asp?No=Ref-000###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(b) "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.

(c) No change.

(d) "Discovery" means, as related to a discharge, initial detection of mineral acids in ground-water or surface water, or the initial detection of soil contamination, resulting from the discharge of mineral acids in quantities greater than the amounts reportable in this Rule 62-762.891, F.A.C.

(e) "Existing storage tank" means a tank that was installed on or before January 7, 1992. Installation is considered to have begun if:

1. The owner or operator has obtained, or has applied for, all federal, state, and local approvals or permits necessary to

~~begin physical construction of the site or installation of the tank; and~~

~~2. Either a continuous on-site physical construction or installation program has begun or the owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial economic loss.~~

~~(f) "Facility" means any non residential location or part thereof containing an aboveground tank or tanks that contain specified mineral acids that have an individual storage capacity greater than 110 gallons.~~

~~(g) "Flow through process tank" means an aboveground tank that contains hazardous substances or specified mineral acids and that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow through process tanks include, but are not limited to, seal tanks, vapor recovery units, surge tanks, blend tanks, feed tanks, check and delay tanks, batch tanks, oil-water separators, or tanks in which mechanical, physical, or chemical change of a material is accomplished.~~

~~(e)(h) "Inspection and maintenance plan" means a plan that establishes the procedures used to prevent releases of mineral acids.~~

~~(f)(i) "Liner" means an artificially constructed material of sufficient thickness, density, and composition that will contain the discharge of any specified mineral acid from an aboveground tank until such time as the mineral acid can be neutralized and/or removed. The liner shall prevent any escape of specified mineral acids or accumulated liquid to the soil, surface water, or groundwater (except through secondary containment as provided in paragraph 62-762.891(1)(g)(p), F.A.C.).~~

~~(j) "Mineral acids" means hydrobromic acid (HBr), hydrochloric acid (HCl), hydrofluoric acid (HF), phosphoric acid (H₃PO₄), and sulfuric acid (H₂SO₄), including those five acids in solution, if at least 20% by weight of the solution is one of the five listed acids.~~

~~(k) "New tank" means a tank that was installed after January 7, 1992.~~

~~(l) "Non residential" means that the tank is not used at a private dwelling.~~

~~(m) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.~~

~~(n) "Owner" means any person owning an aboveground tank subject to Sections 376.320-326, F.S.~~

~~(o) "Permitted wastewater treatment system" means a facility to which the Department has issued a permit to treat wastewater and release the treated product into the environment.~~

~~(g)(p)~~ "Secondary containment" means a system that is used for discharge release prevention, and may include one or more of the following devices:

1. A double-walled tank;

2. An external liner placed under and around each tank, sealed to its supports, and either designed and built to contain a minimum of 110 percent of the capacity of the largest tank within the containment; or equipped with a drainage system routed to a permitted wastewater treatment system or plant recirculating process system that is capable of containing any accidental release from the tank; or

3. A system or structure constructed such that accidental releases from a tank would be collected by a drainage system within the system or structure and routed to a permitted wastewater treatment system, or plant recirculating process system, or alternative containment system registered with approved by the Department in accordance with Rule 62-762.851, F.A.C.

~~(h)(q)~~ "Stationary" means a tank or tanks not meant for multiple site use or that remain in one location at the facility site for a period of 180 days or longer.

~~(i)(r)~~ "Tank" means an aboveground stationary device that is constructed primarily of non-earthen materials (e.g., concrete, metal, plastic, glass) that provides structural support and is designed primarily to contain mineral acids. Connected piping from the tank to and including the nearest cutoff valve shall be considered part of the tank for purposes of this definition. "Tank" does not include flow-through process tanks.

~~(s) "Upgrade" means the replacement of a tank or the installation of secondary containment.~~

(2) No change.

(a) The requirements of this Rule apply to owners and operators of a facility with an aboveground storage tank with a storage capacity of more than 110 gallons that contains mineral acids.

(b) The following systems are exempt from the requirements of this Rule:

1. through 3. No change.

4. Any flow-through process tank; ~~and~~

5. Any tank that is located in a completely enclosed building where a release of mineral acid would be contained within the building and not result in a discharge; and

6. Any tank containing mineral acids that are regulated as hazardous wastes under Subtitle C of the Resource Conservation and Recovery Act.

(3) No change.

(a) The owner of any tank containing mineral acids, that was not previously registered, shall register the tank within 10 days of its discovery with the Department on Form 62-762.901(2) 62-761.900(2), Storage Tank Facility Registration

Form (Registration Form), incorporated by reference in paragraph 62-762.401(1)(b), F.A.C.

(b) For tank installations, a completed Registration Form shall be submitted in electronic or paper format to the Department by July 1, 1992, or no later than 30 days after mineral acids are put into a new storage tank previously unregistered. The Department encourages the electronic submittal of the Registration Form available online here: <http://www.fldeportal.com/go/submit-registration/>, or the form can be obtained at www.flrules.org/Gateway/reference.asp?No=Ref-00###, or the Department's website at <http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>.

(c) For change in service status or closure pursuant to Rule 62-762.801, F.A.C., a completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days after completion of the change in service status. Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department and filed with records maintained in accordance with Rule 62-762.891, F.A.C.

(d) A completed Registration Form shall be submitted in paper or electronic format to the Department within 10 days of the following changes or discovery:

1. Any change in the owner or operator of a facility or of a tank; and

2. Any change or correction in the information reported on the Registration Form.

(4) No change.

(a) through (b) No change.

1. through 2. No change.

(c) Each facility shall receive a registration placard upon payment of all applicable fees. The placard shall be available for inspection by the Department or County and filed with records maintained in accordance with this section.

(5) No change.

(a) The County Department shall be notified of the certification or recertification of the CIP or the secondary containment system on Form 62-762.891(1), in writing or electronic format within 10 days of the completion of the form. The form shall be signed by a professional engineer licensed in the State of Florida, following items on Form 62-761.900(2):

1. The date and method of closure, at least 30 days before closure of a tank;

2. Any change in ownership of a tank, no later than 30 days after ownership has been transferred. The notice of change of ownership shall be provided by the transferor. The notice shall include a copy of the bill of sale or a letter of acceptance by the new owner;

3. Upgrading of a tank, at least 10 days before upgrading occurs, except for emergency replacements of tanks or connected piping required by an actual or anticipated discharge. Notification of emergency replacement shall be provided within 10 days after the emergency replacement.

4. Any change in registration form information, including any change in the identity of the material being stored.

(b) Notification of incidents. Within 72 hours, or close of the County's next business day, the County shall be notified in writing or electronic format of any release into a secondary containment system of a mineral acid in excess of 110 gallons, or the reportable quantity in effect on July 1, 1991, under the Comprehensive Environmental Response Compensation and Liability Act of 1980, whichever is greater. The Department shall be notified of the certification of the CIP or the secondary containment system on Form 62-762.891(1) within 10 days of the completion of the form. The Containment and Integrity Plan Certification Form shall be signed by a professional engineer registered in the State of Florida.

(e) Within three working days of discovery, the Department shall be notified of any release into a secondary containment system of a mineral acid in excess of 110 gallons, or the reportable quantity in effect on July 1, 1991, under the Comprehensive Environmental Response Compensation and Liability Act of 1980, whichever is greater.

(c)(6) Notification Reporting of discharges. Within 24 hours of discovery, or before the close of the County's next business day, a Discharge Report Form 62-762.901(1), incorporated by reference in subsection 62-762.411(5), F.A.C. 62-761.900(1) shall be used to report any discharge in writing or electronic format to the County exceeding:

1.(a) 100 pounds of hydrobromic or hydrofluoric acid;

2.(b) 1,000 pounds of sulfuric acid; or

3.(c) 5,000 pounds of hydrochloric or phosphoric acid.

(6)(7) Storage tank system Performance requirements standards for mineral acid tanks.

(a) No change.

1. Tanks installed on or before July 1, 1992, Existing mineral acid storage facilities that were in operation after January 1, 1992, shall either be covered under have either a CIP or have secondary containment.

2. Tanks New or replacement mineral acid tanks installed after July 1, 1992, shall have secondary containment.

(b) Secondary Containment.

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tank or tanks have secondary containment.

2. Secondary containment shall be recertified on Form 62-762.891(1) by a professional engineer licensed in the State of Florida if a new tank is added to a facility or if there is a structural change to the containment. Secondary Containment

does not need to be reviewed and updated for tanks where there has been no structural change to the containment.

3. Secondary containment shall be properly maintained. Any cracks, degradation, punctures, or other similar defects to the integrity of the secondary containment shall be repaired. If repairs cannot be made to ensure the tank's original integrity, the tank shall be emptied.

~~(c)(b)~~ Containment and Integrity Plans. ~~The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed and updated at least every two years by a professional engineer registered in the State of Florida. The CIP shall be made available for inspection by the Department, and shall address:~~

1. A professional engineer licensed in the State of Florida shall certify on Form 62-762.891(1) that the tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance.

2. The CIP shall include procedures and requirements to minimize the risk of spills, releases, and discharges from tanks. The CIP shall be reviewed, updated, and recertified on Form 62-762.891(1) at least every two years by a professional engineer licensed in the State of Florida. The CIP shall be made available for inspection by the Department or County, and shall address:

a1. An inspection and maintenance program detailing: the qualifications of the person providing the inspection, the inspection and routine maintenance procedures, schedules used to evaluate and maintain the integrity of the tank, release detection procedures, and frequency of inspections and proper response to inspection findings.

~~a. The qualifications of the person providing the inspection;~~

~~b. The inspection and routine maintenance procedures;~~

~~e. Schedules used to evaluate and maintain the integrity of the tank, and secondary containment (if applicable);~~

~~d. Release detection procedures; and~~

~~e. Frequency of inspections and proper response to inspection findings.~~

b2. Materials of construction for each tank and compatibility of the mineral acid with the construction materials;

3. Secondary containment of tanks, if applicable;

c4. Location of surface water bodies near the tank and the potential for discharges to enter the surface water body or to move off-site;

d5. Discharge response procedures for containment and abatement;

~~e6. Cleanup procedures; and~~

~~7. For tanks without secondary containment, the CIP shall also address:~~

~~fa. Procedures and equipment for treating spill wastes;~~

~~gb. Procedures for disposing of spill wastes;~~

~~he. Containment and diversionary structures to prevent discharges from entering the nearby surface water bodies or moving off-site; and~~

~~id. A demonstration of corrosion protection of the tank if the tanks is are in contact with the soil.~~

~~(e) Containment and Integrity Plan alternatives. In place of the CIP, a certification may be provided to the Department by a professional engineer registered in the State of Florida that:~~

~~1. No mineral acid tank at the facility is in direct contact with the ground; and~~

~~2. A secondary containment system has been placed under and around each tank, and sealed to its supports. Secondary containment shall be either:~~

~~a. Designed and built to contain in excess of 110% of the capacity of the largest tank within the containment; or~~

~~b. Equipped with a drainage system routed to a permitted wastewater treatment system that is capable of containing any accidental release from the tank.~~

~~(d) Secondary containment. Tanks installed after July 1, 1992, shall have secondary containment and meet the requirements of this section before the tank is placed into active service. Liners used for secondary containment that are installed after July 13, 1998 shall meet the requirements of subparagraphs 62-762.501(1)(e)1., 3., F.A.C.~~

~~(e) Certification. A professional engineer registered in the State of Florida shall certify that:~~

~~1. The tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the integrity and containment of the tanks has not been compromised. For purposes of this certification, maintenance will be presumed to have been performed if the professional engineer verifies that records demonstrating compliance with this subsection are available, complete, and indicate proper maintenance; or~~

~~2. The tank or tanks have secondary containment in accordance with this subsection.~~

(7)(8) Recordkeeping. Copies of The following records, as applicable whether in paper or electronic format, shall be dated maintained and made available for inspection by the Department or County, at reasonable times: 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 the Department's or County's request.

(a) ~~The current CIP Containment and Integrity Plan along with an up-to-date Form 62-762.891(1); or~~

(b) ~~The current certification of secondary containment on Form 62-762.891(1); and-~~

~~(c) A copy of all DRFs.~~

~~(8)(9) Discharge response.~~

(a) When evidence of a discharge from a tank is discovered and reported in accordance with paragraph 62-762.891(5)(c) subsection 62-762.891(6), F.A.C., the owner or operator shall:

1. through 3. No change.

(b) Any owner or operator of a facility discharging mineral acids shall immediately undertake to contain, remove, neutralize, or otherwise abate the discharge under all applicable Department Rules, for example Chapter 62-780, F.A.C.

~~(9)(10) Forms. Form 62-762.891(1) Containment and Integrity Plan Certification Form, (effective date of the rule), incorporated in paragraph 62-762.891(1)(a), F.A.C., is used by the Division of Waste Management for mineral acid tanks. This form is listed by form number, subject title, and effective date. Copies of the form are available by writing to the Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, M.S. 4500, Tallahassee, Florida 32399-2400, or online at: www.flrules.org/Gateway/reference.asp?No=Ref-000###, or the Department's website at http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm. Copies of forms may be obtained by writing to the Administrator, Storage Tank Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The following forms shall be used for mineral acid tanks:~~

~~(a) Discharge Report Form 62-761.900(1), July 13, 1998.~~

~~(b) Storage Tank Facility Registration Form 62-761.900(2), July 13, 1998.~~

~~(c) Containment and Integrity Plan Certification Form 62-762.891(1), July 13, 1998.~~

~~Rulmaking Specific Authority 376.322(3), 403.087 FS. Law Implemented 376.320, 376.321, 376.322, 376.323, 376.324, 376.325, 403.087 FS. History-New 6-21-04, Amended _____.~~

62-762.901 Storage Tank Forms.

Storage Tank Forms are listed by form number, the 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 available online at www.flrules.org/Gateway/reference.asp?No=Ref-00###, or on

the Department website at http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm. For electronic submittal of the Registration Form go to http://www.fldeportal.com/go/submit-registration/.

(1) Form 62-762.901(1) Discharge Report Form, (effective date of the rule), incorporated by reference in subsection 62-762.411(5), F.A.C., and referenced in subsection 62-762.201(25), and paragraph 62-762.891(5)(c), F.A.C.

(2) Form 62-762.901(2) Storage Tank Facility Registration Form, (effective date of the rule), incorporated by reference in paragraph 62-762.401(1)(b), F.A.C., and referenced in subsections 62-762.201(51), (61) and (76), F.A.C., and paragraph 62-762.891(3)(a), F.A.C.

(3) Form 62-762.901(4) Alternative Procedure Form, (effective date of the rule), incorporated by reference in paragraph 62-762.851(1)(a), F.A.C.

(4) Form 62-762.901(6) Incident Notification Form, (effective date of the rule), incorporated by reference in subsection 62-762.411(4), F.A.C., and referenced in subsection 62-762.201(37), F.A.C.

(5) Form 62-762.901(7) Closure Integrity Evaluation Report Form for ASTs, (effective date of the rule), incorporated by reference in paragraph 62-762.411(2)(c), F.A.C., and referenced in subsection 62-762.201(1), and subparagraphs 62-762.801(2)(b)1., and 62-762.802(3)(b)1., F.A.C.

(6) Form 62-762.901(8) Limited Closure Report Form for ASTs, (effective date of the rule), incorporated by reference in subsection 62-762.421(2), F.A.C., and referenced in subsection 62-762.201(43), and paragraphs 62-762.801(3)(c), and 62-762.802(4)(c), F.A.C.

(7) Form 62-762.901(9) Storage Tank Equipment Registration Form, (effective date of the rule), incorporated by reference in paragraph 62-762.851(2)(d), F.A.C.

Rulemaking Authority 376.303 FS. Law Implemented 376.303, 376.320, 376.322, 376.323 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William E. Burns, Jr.

Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399, bill.burns@dep.state.fl.us or (850) 245-8842

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jonathan P. Steverson, Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 7/18/2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 11/19/2013

**Section III
Notice of Changes, Corrections and
Withdrawals**

NONE

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-27.00213 Temporary Employment Authorization
NOTICE IS HEREBY GIVEN that on July 22, 2016, the Criminal Justice Standards and Training Commission received a petition for a temporary 180 day waiver of paragraph 11B-27.00213(4)(b), F.A.C. from Roger Bartlett, Florida Department of Corrections on behalf of Michandrea Brown. The Petitioner wishes to temporarily waive that portion of the rule that states: The individual was previously hired on a TEA and has separated from the employing agency or discontinued training while still in good standing, and has had a break-in-service from the last employment for a minimum of four years. Such individual shall comply with the firearms training requirements pursuant to Rule 11B-35.0024, F.A.C. and Section 943.17(1)(a), F.S., unless the agency administrator has waived such requirements in subsection (2) of this rule section, and shall enroll in a Commission-approved Basic Recruit Training Program within 180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer. Petitioner states that Ms. Brown was unable to begin the training academy she was originally scheduled for due to medical issues. Petitioner states that if the waiver is granted Ms. Brown would begin the first available Basic Recruit Training Program. Petitioner states that strict application of the rule creates a substantial hardship and violates principles of fairness because Ms. Brown was unable to begin the Basic Recruit Program due to reasons beyond her control. Petitioner state the purpose of the underlying statute would be achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-27.00213 Temporary Employment Authorization
NOTICE IS HEREBY GIVEN that on June 29, 2016, the Criminal Justice Standards and Training commission, received a petition for Correctional Institution, Florida Department of Corrections on behalf of Timothy Mackan. The Petitioner wishes to waive that portion of the rule that states: The individual was previously hired on a TEA and has separated from the employing agency or discontinued training while still in good standing, and has had a break-in-service from the last employment for a minimum of four years. Such individual shall comply with the firearms training requirements pursuant to Rule 11B-35.0024, F.A.C. and Section 943.17(1)(a), F.S., unless the agency administrator has waived such requirements in subsection (2) of this rule section, and shall enroll in a Commission-approved Basic Recruit Training Program within 180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer. Petitioner states that Mr. Mackan was unable to begin the training academy he was originally scheduled for due to a family emergency forcing him to return to his home state of Ohio. Petitioner states that if the waiver is granted Mr. Mackan would be re-employed by the Liberty Correctional Institution and would begin the first available Basic Recruit Training Program. Petitioner states that strict application of the rule creates a substantial hardship and violates principles of fairness because Mr. Mackan was unable to begin the Basic Recruit Program due to reasons beyond his control. Petitioner state the purpose of the underlying statute would be achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants
RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements
The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On July 11, 2016, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection

61C-4.010(7), Florida Administrative Code, and subsection, 61C-4.010(6), Florida Administrative Code, from M Hospitality Logistics, LLC located in Jacksonville. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 42, No. 135, F.A.R., on July 13, 2016. The Order for this Petition was signed and approved on July 22, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring he bathrooms located within I & C Cleaners, 4446 1-2 Hendricks Ave, Jacksonville, Florida 32207, are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of M Hospitality Logistics, LLC (M Hospitality Logistics) or I & C Cleaners changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting: George.Koehler@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On July 1, 2016, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, from Levy Restaurants at Marlins Park Portable Grill located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an

approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 42, No. 130, F.A.R., on July 6, 2016. The Order for this Petition was signed and approved on July 22, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing and food storage areas within Commissary & Concession Kitchen (NOS2333240) must be maintained in a clean and sanitary manner. These areas must also be available to Levy Restaurants at Marlins Park Portable Grill during all hours of operation. If the ownership of Commissary & Concession Kitchen and Levy Restaurants at Marlins Park Portable Grill (Levy Premium Food Service LP) changes, a signed agreement between the two establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: George.Koehler@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on July 25, 2016, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Old Grant Creamery located in

Grant. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent commercial building under the same ownership for use by customers only.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: George.Koehler@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on July 15, 2016, the Construction Industry Licensing Board received a petition for variance or waiver, filed by Scott Douglas Chambers. The Petitioner is seeking a variance or waiver of the financial responsibility and stability requirements of Rule 61G4-15.006, F.A.C., in order to change the status of his license to that of a certified pool/spa servicing contractor's license. Comments on this petition should be filed with Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399-1039, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, at the above address, (850)487-1395 or emailing Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Optometry

NOTICE IS HEREBY GIVEN that on July 22, 2016, the Board of Optometry received a petition for variance or waiver filed by Cassandra Ruth Young, OD, from subsection 64B13-4.001(1), F.A.C., regarding the requirement of Florida to obtain a score of 75 percent (75%) or better on each of the Biomicroscopy, Binocular Indirect Ophthalmoscopy, and Dilated Biomicroscopy and Non-Contact Fundus Lens Evaluation skills individually. Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3255, (850)488-0595, or by email to Anthony.Spivey@flhealth.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dr. Anthony Spivey, Executive Director, Board of Optometry, at the above address.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Department of State announces a public meeting to which all persons are invited.

DATE AND TIME: August 3, 2016, 9:00 a.m. (Central Time) to conclusion.

PLACE: Marianna City Hall, City Commission Chambers 2898 Green St., Marianna, FL 32446.

GENERAL SUBJECT MATTER TO BE CONSIDERED: An organizational meeting to discuss the Dozier Task Force's responsibilities, to review Ch. 2016-163, Laws of Florida, and to provide background information on the Dozier School for Boys to inform the Task Force's recommendations, which will be discussed at a later meeting.

A copy of the agenda may be obtained by contacting: Celeste Ivory with the Division of Historical Resources at (850)245-6300 or Celeste.Ivory@DOS.MyFlorida.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Celeste Ivory with the Division of Historical Resources at (850)245-6300 or Celeste.Ivory@DOS.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Celeste Ivory with the Division of Historical Resources at (850)245-6300 or Celeste.Ivory@DOS.MyFlorida.com.

DEPARTMENT OF STATE

Division of Historical Resources

The Department of State's Division of Historical Resources announces a public meeting to which all persons are invited.

DATE AND TIME: August 4, 2016, 9:00 a.m. to conclusion

PLACE: R.A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250; teleconference: 1(888)670-3525, participant code: 7911101420#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Florida Historical Commission will hold its August meeting for the purposes of conducting commission business and assisting the Division of Historical Resources in carrying out the purposes, duties, and responsibilities of the division.

A copy of the agenda may be obtained by contacting: Celeste Ivory with the Division of Historical Resources, 1(800)847-7278, Celeste.Ivory@DOS.MyFlorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Celeste Ivory with the Division of Historical Resources at 1(800)847-7278 or Celeste.Ivory@DOS.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Celeste Ivory with the Division of Historical Resources at 1(800)847-7278 or Celeste.Ivory@DOS.MyFlorida.com.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: August 3, 2016, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in Section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-16-17-005) for FDEM Logistics Support Trailer Retrofit.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Kara Nevin, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard

Oak Blvd., Tallahassee, FL 32399, (850)922-1649, Kara.Nevin@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kara Nevin, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)922-1649, Kara.Nevin@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

The Board of Veterinary Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 18, 2016, 9:00 a.m.

PLACE: 1(888)670-3525, conference code: 4630467138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which may be closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: the Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1981.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1981.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.800 Caloosahatchee River Basin TMDLs

The Florida Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: August 10, 2016, 1:00 p.m.

PLACE: City/County Annex Bldg.; Conference Room 220 (Second Floor), 1825 Hendry Street, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This technical meeting is for interested stakeholders to discuss with the department the status of model development for nutrient impaired waterbodies in the Caloosahatchee River basin. The meeting will provide an opportunity for the department to present steps they will take to refine the existing watershed and receiving water models for potential development of nutrient TMDLs. Written comments on the

model approach should be directed to: Erin Rasnake, Program Administrator, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Erin.Rasnake@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Shamyah Gibson, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NOS.:RULE TITLES:

62-304.500 Ocklawaha River Basin TMDLs

62-304.640 Withlacoochee Basin TMDLs

The Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: August 4, 2016, 10:30 a.m.

PLACE: Alachua County Library Headquarters Meeting Room A, 401 East University Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a correction to the meeting notice (ID 17744130) published in the Florida Administrative Register on July 21, 2016, that incorrectly associated this meeting with Rule 62-304.640, F.A.C., instead of Rule 62-304.500, F.A.C. The purpose of the meeting is to receive public comments on nutrient total maximum daily loads (TMDLs) for impaired waters in the Ocklawaha Basin, to be adopted in Rule 62-304.500, F.A.C. These nutrient TMDLs, if adopted, will constitute site specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(47)(b), F.A.C., that would replace the otherwise applicable numeric nutrient criteria in subsection 62-302.531(2) for these particular waters. The TMDLs to be presented at the public workshop include nutrient TMDLs for Lochloosa Lake (2738A) and Cross Creek (2754). Draft reports for these TMDLs will be posted on the Department's TMDL webpage (http://www.dep.state.fl.us/water/tmdl/draft_tmdl.htm) by July 25, 2016, for public review. Written comments on these TMDLs, as well as the establishment of these nutrient TMDLs as site specific interpretations of the narrative nutrient criteria, will be accepted by the Department through August 12, 2016. These comments should be directed to: Ansel Bubel, Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station

3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, ansel.bubel@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Water Quality Evaluation and TMDL Program, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8556.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Shamyah Gibson, (850)245-8556. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

The Board of Podiatric Medicine Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2016, 12:00 Noon

PLACE: Telephone conference: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Rule 64B18-14.002, Florida Administrative Code - Disciplinary Guidelines.

A copy of the agenda may be obtained by contacting: Dr. Anthony Spivey, Executive Director at anthony.spivey@flhealth.gov or by visiting the board's website at <http://floridaspodiatricmedicine.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Anthony.spivey@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: anthony.spivey@flhealth.gov.

SUNSHINE STATE ONE CALL OF FLORIDA

The Sunshine State One Call of Florida, Inc., d/b/a Sunshine 811 announces public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, August 10, 2016, 8:30 a.m. – 5:00 p.m.; Thursday, August 11, 2016, 8:30 a.m. – 5:00 p.m.; Friday, August 12, 2016, 8:30 a.m. – 5:00 p.m.

PLACE: Ponte Vedra Inn, 200 Ponte Vedra Boulevard, Ponte Vedra Beach, Florida 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sunshine 811 announces its Strategic Planning, Board of Directors and Committee meetings to which all interested persons are invited to participate.

- Strategic Planning Meeting: Wednesday, August 10, 2016, 8:30 a.m. – 5:00 p.m.
- Committee Meetings: Thursday, August 11, 2016, 8:30 a.m. – 5:00 p.m.
- Board of Directors Meetings: Friday, August 12, 2016, 8:30 a.m. – 5:00 p.m.

A copy of the agenda may be obtained by contacting: AGENDA For August 10, 11 & 12, 2016: www.sunshine811.com/agenda.

For more information, you may contact: Lori Budiani, Executive Assistant, (386)575-2002.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN THAT the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Roger W. Feicht on February 22, 2016. The following is a summary of the agency’s disposition of the Petition: The Notice of Petition for Declaratory Statement was published in Volume 42, No. 44, of the March 4, 2016, Florida Administrative Register. The Petitioner seeks a declaratory statement as to the applicability of 455.227 and 489.129, F.S., as it applies to whether a reporting deadline would bar or otherwise limit a complaint based on conduct of a contractor which occurred during the years 2007, 2008 and 2009. The Construction Industry Licensing Board considered the Petition at its meeting held on April 15, 2016, in Jupiter, Florida. The Board’s Order, filed on July 6, 2016, declines to issue a declaratory statement in this matter because the petitioner is not a substantially affected party and does not have standing to request a declaratory statement, and because the petition does not relate to a particular set of circumstances. Copies of the Order disposing of the Petition for Declaratory Statement may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blairstone Road, Tallahassee,

FL 32399-1039, (850)487-1395 or by email to Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN THAT the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Charlie Deathridge on February 8, 2016. The following is a summary of the agency’s disposition of the Petition: The Notice of Petition for Declaratory Statement was published in Volume 42, No. 36, of the February 23, 2016, Florida Administrative Register. The Petitioner seeks a declaratory statement as to the applicability of 489.105, F.S., as it applies to the activities of installing ground anchors, utility poles, and backfilling. The Construction Industry Licensing Board considered the Petition at its meeting held on April 15, 2016, in Jupiter, Florida. The Board’s Order, filed on July 6, 2016, declines to issue a declaratory statement in that the petitioner is not a substantially affected party and does not have standing to request a declaratory statement. Copies of the Order disposing of the Petition for Declaratory Statement may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blairstone Road, Tallahassee, FL 32399-1039, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

REGIONAL UTILITY AUTHORITIES

Withlacoochee Regional Water Supply Authority
WRWSA Request for Irrigation Evaluation Contractor
Proposals (N822)

The Withlacoochee Regional Water Supply Authority (WRWSA) is requesting quotes (RFQ) from responsive and responsible bidders for a WRWSA Irrigation Evaluation Program, Phase 4 – Irrigation System Evaluators. This is part of a water conservation program combining irrigation system recommendations and education to individual homeowners of the five participating utilities: Citrus County Utilities; Hernando County Utilities; Marion County Utilities; and the North Sumter County Utility Dependent District and the Village Center Community Development District. SWFWMD is a cooperator and is co-funding this work effort through the Cooperative Funding Initiative.

Firms or individuals providing professional services must demonstrate compliance with all rules and regulations as may be applicable for specific projects.

An information packet containing details of the project and the RFQ submittal requirements is available at www.wrwsa.org and upon request from C. LuAnne Stout at Withlacoochee Regional Water Supply Authority, 3600 W. Sovereign Path, Suite 228, Lecanto, Florida 34461, (352)527-5795, lstout@wrwsa.org.

Firms desiring to provide these professional services to the Authority must submit six (6) paper copies, and six (6) electronic PDF copies of their RFQ in accordance with the requirements contained in the information packet to the attention of C. LuAnne Stout at the address listed above no later than 2:00 p.m. local time on August 19, 2016.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury
DFS TR RFP 1617-04 – Deferred Compensation Analysis
Consultant

The Florida Department of Financial Services (Department), Division of Treasury, Bureau of Deferred Compensation is

issuing this Request for Proposals (RFP) to establish a contract for a qualified consultant to perform an in-depth and objective review of the State of Florida 457(b) Deferred Compensation Plan (Plan). The solicitation will be administered through the Vendor Bid System (VBS). Respondents interested in submitting a Response must comply with all of the mandatory terms and conditions described in this RFP.

Point of Contact/Procurement Officer: All questions must be in writing and should reference the above solicitation number and title. Submit all questions to Procurement Officer Wanda Norton at DFSPurchasing@myfloridacfo.com.

Response Due Date: On or prior to 3:00 p.m. ET, Monday, August 8, 2016, to the Procurement Officer identified to the following office location:

Department of Financial Services, 200 East Gaines Street, Larson Building, Purchasing Services, Room B24, Tallahassee, Florida 32399-0317.

The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to any public meeting identified within the solicitation. The Department will post notice of any changes regarding this solicitation or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise the notice in the Florida Administrative Register (FAR). To access the VBS go to the following web address: http://vbs.dms.state.fl.us/vbs/main_menu.

ADA Requirements: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Procurement Officer – see above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**Section XII
Miscellaneous**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables
PUBLIC NOTICE

A properly noticed meeting of the Citrus Research and Development Foundation, Inc., Advisory Council for the Citrus Marketing Order was held on June 15, 2016 at 9:30 a.m.. The Board of Directors by unanimous vote adopted a resolution to recommend continuation of the citrus box tax at the current assessment rate of three cents (\$.03) per each standard packed box of citrus fruit for the season August 1,

2016 through July 31, 2017. In accordance with the Citrus Research Order and section 573.118, Florida Statutes, The Department of Agriculture and Consumer Services will continue the assessment rate at three cents (\$.03) per each standard packed box of citrus fruit for the season August 1, 2016 through July 31, 2017.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The Governing Board of the St. Johns River Water Management District

The District issued Invitation to Negotiate (ITN) No. 28623 to replace its wide area network and internet infrastructure and services and internet service provider. The date and time for receipt of best-and-final offers is extended to 12:00 Noon, August 3, 2016. The District’s Evaluation Committee for this ITN will review and rank the best-and-final offers at 11:00 a.m., on August 4, 2016, at District headquarters, 4049 Reid Street, Palatka, Florida 32177 (C.R. 147).

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-127

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-127 on July 25, 2016, in response to an application submitted by Lakebridge Property Owners’ Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s Final Order denied the application for covenant revitalization after determining that it did not meet the statutory requirements as the Association’s submission failed to provide documentation that a sufficient number of affected parcel owners consented to the proposed revived declaration, violating Section 720.405(6), Florida Statutes. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or agency.clerk@deo.myflorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-128

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-128 on July 25, 2016, in response to an application submitted by Continental Country Club R.O., Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E.

Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Agency.Clerk@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-131

In re: A LAND DEVELOPMENT REGULATION

ADOPTED BY POLK COUNTY

ORDINANCE NO. 16-031

FINAL ORDER

APPROVING POLK COUNTY ORDINANCE NO. 16-031

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to section 380.05(6), Florida Statutes, approving land development regulations adopted by Polk County, Florida, Ordinance No. 16-031 (the “Ordinance”).

FINDINGS OF FACT

1. The Green Swamp Area is designated by section 380.0551, Florida Statutes, as an area of critical state concern. Polk County is a local government within the Green Swamp Area of Critical State Concern.

2. The Ordinance was adopted by Polk County on June 21, 2016, and rendered to the Department on July 15, 2016.

3. The Ordinance amends the Polk County Land Development Code to make three changes regarding outdoor loading and unloading within the North Ridge Special Protection Area.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in the Green Swamp Area of Critical State Concern.

§ 380.05(6), Fla. Stat.

5. Polk County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat.; Rule 28-26.002, F.A.C.

6. The Ordinance is consistent with the Polk County Comprehensive Plan generally, and specifically Policy 2.113-B-4 (Development Criteria), Policy 2.131-Q3 (General Development Criteria), and Policy 2.131-Q4 (Modified Land Use Categories) as required by section 163.3177(1), Florida Statutes.

7. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat. The Principles for Guiding

Development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003(1), Florida Administrative Code.

9. The Ordinance is consistent with the Principles for Guiding Development in Rule 28-26.003(1), as a whole and furthers all of the Principles.

WHEREFORE, IT IS ORDERED that the Department finds that Polk County Ordinance No. 16-031 is consistent with the Polk County Comprehensive Plan and the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
Taylor Teepell, Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128

FAX: (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE

A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 26th day of July, 2016.

/s/ _____
Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By Certified-U.S. Mail:

Honorable John E. Hall
Chairman, Polk County, Florida
330 W. Church St.
P.O. Box 9005
Drawer GM03
Bartow, FL 33831

John M. Bohde, Director
Land Development
Polk County
P.O. Box 9005
Drawer GM03
Bartow, FL 33831

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

Pursuant to Section 121.055, Florida Statutes, the Florida Clerks of Court Operations Corporation (CCOC) provides public notice of the intent to include the following position in the Florida Retirement System's Senior Management Service Class effective September 1, 2016: Budget and Communications Director. Additional information may be obtained by writing to the Florida Clerks of Court Operations Corporation, Attn: Mary Baker, 2560-102 Barrington Circle, Tallahassee, Florida 32308.

Section XIII

Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.