

## DETERMINING WHEN A CLOSURE ASSESSMENT IS REQUIRED

Rule Excerpts in bold/italics from: Closure Assessment of Storage Tank Systems  
Chapters 62-761.800(3), & 62-762.801(4), F.A.C.

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### Item 1 - Chapters 62-761 .800(3)(a), & 62-762 .801(4)(a), F.A.C.

*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.*

- A. In general, tanks, piping, and other system components in contact with the soil are subject to closure assessment requirements. If these components are at facilities that have had discharges where a Site Rehabilitation Completion Order (SRCO) or a Natural Attenuation Monitoring (NAM) Approval Order has been issued, then they are subject to closure assessment requirements upon removal, replacement or installation of secondary containment.
- B. Upon receiving notification of an upcoming closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance, you should conduct a facility background check to determine whether a closure assessment is required, by reviewing applicable information in the facility's file, FIRST, STCM, and OCULUS.

As the background check is being conducted, be aware of the Department's current closure assessment requirements and exemptions. In accordance with current rule citations, a closure assessment is **NOT** required for the following italicized situations:

### Item 2 - Chapters 62-761.800(3)(b)1., & 62-762 .801(4)(b)1., F.A.C.

*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. {Note: this provision does NOT apply to ATRP or IVP eligible sites.} 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".*

- A. The term "Site" is not defined in Ch. 62-761 or Ch. 62-762, F.A.C., however Ch. 62-770 F.A.C., includes a definition of "Site" which refers you to the definition of "Petroleum contamination site" which is any contiguous land, sediment, surface water, or groundwater area upon which a discharge of petroleum or petroleum products has occurred or for which evidence exists that such a discharge has occurred. In addition,

Chapter 376.301 Florida Statutes defines a “Contaminated site” as any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

Therefore, “Sites” in this context are contiguous areas of contamination beginning at the source of the contamination and extending to the end of that area of contamination, in other words, a discharge, again, from its source to wherever that discharge has migrated. Thus, a “site” does not necessarily cover the entire source property, nor is it bound to the source property.

- B. Generally speaking, this rule subsection pertains to single-walled tanks and/or piping, because Subsection .800(3)(b)2.&3. and .801(4)(b)2. &3. (Items 3 & 4) deal with closure assessment exemptions for secondarily contained systems.

Remember that the current rules provide an exemption for secondary containment for AST systems storing high viscosity regulated substances, as well as for underground piping associated with USTs storing high viscosity regulated substances. These systems are not exempt from closure assessment requirements due to the stored substance.

- C. When receiving notification of an upcoming closure, replacement, installation of secondary containment, or change in service from a regulated substance to a non-regulated substance for single-walled tanks and/or piping, take the following steps to determine if closure assessment work should be conducted:
  - (1) Determine if the facility has any program eligible discharges that have yet to receive a SRCO (with or without conditions) or an LSSI NFA pursuant to Section 376.3071(11)(b), Florida Statutes.
  - (2) If for a UST facility there is a program eligible (ATRP, EDI, FPLRIP, IVP & PCPP only – neither the rule nor statute provide for any exemption for sites under an Indigent Consent Order) discharge at the facility that has yet to receive a SRCO, then the facility may fall under the statutory requirements of Chapter 376.30716, dealing with subsequently discovered discharges. 376.30716(3) states that “The department shall not, as part of a closure report or assessment for a site that is eligible for state funding...require soil or groundwater sampling”. If this is the case then perform the following steps:
    - a) Review available information to determine if the DRF or program application details the nature of the discharge and/or if assessment work has been conducted for the program eligible discharge(s), in an attempt to determine if the area that contains contamination (the site) has been defined. Please remember that every eligibility program has limitations which are tied, at minimum, to the date of the report of

discharge and the storage tanks reported to the DEP. Please check with the DEP eligibility coordinator for assistance.

- b) If, after reviewing the facility file and seeking assistance from either the County contracted clean up staff, the DEP cleanup case manager, or DEP's eligibility coordinator, you determine that the single walled tanks and/or piping are within the area that contains contamination from the program eligible discharge, then closure assessment work should not be required. However, you should encourage owners who will be replacing the tanks with more tanks to consider removing contaminated soil while it is accessible to reduce problems with contaminated soil interacting with the new tanks or piping. Suggest they review the warranty and installation information for their new tanks/piping.
  - c) If you determine that the single walled tanks and/or piping are NOT within the area that contains contamination from the program eligible discharge, then closure assessment work is required. See also ss. 376.30716(2)(a)-(e), F.S.
  - d) If no assessment work has been conducted to-date on the program eligible discharge or you cannot determine, based on available information and after consultation with County contracted clean up staff, DEP's cleanup case manager, the District Office, or DEP eligibility coordinator, whether the single walled tanks and/or piping are located in the area that contains program eligible contamination, a determination should be made on a case-by-case basis as to whether closure assessment work should be conducted. The decision should be made based on the degree of likelihood that the area with eligible contamination includes the components being closed.
- (3) If there is not a program eligible discharge at the facility but there is a non-program discharge that requires site assessment, then similar steps as listed above should be taken to determine whether a closure assessment is necessary.

In these cases it is recommended that you consult with the cleanup project manager for the non-program discharge to determine whether closure assessment work should be conducted.

- (4) If there is no previously reported open discharge at the facility, then a full closure assessment must be conducted in accordance with Department

requirements.

- (5) In cases where it's determined that closure assessment sampling is not required, a Limited Closure Summary Report, Form 62-761.900(8) must be completed and submitted along with written documentation describing the work that was performed during the system removal, replacement, or upgrade, in accordance with Section A and H of the Department's Storage Tank System Closure Assessment Requirements document. This written documentation should include disposal documentation for system components, tank contents, as well as contaminated media.

**Item 3 - Chapters 62-761.800(3)(b)2., & 62-762 .801(4)(b)2., F.A.C.**

*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.*

- A. "Systems initially installed with secondary containment" means that the tank and piping are secondarily contained upon the date of installation and that they have spill containment devices, piping sumps, and dispenser liners as applicable.
- B. "No unexplained positive response of an interstitial release detection device or method" means that there are no unresolved incidents for the component being closed. In accordance with .450(2)(a)6. & .451(2)(a)7., a positive response shall be the indication of a release of regulated substances, an exceedance of the Release Detection Response Level, or a breach of integrity of a storage tank system.
- C. If there are no unresolved incidents, then a closure assessment is not required for these systems. However, you should be vigilant during your closure inspection for signs of a discharge from the system. Thus, it is imperative that you be aware of the discharge history for the facility and whether the system being closed is within an area containing contamination (a site). If there are signs of a discharge found during the closure and the facility has no discharge history or the system being closed is not within an area containing contamination (a site), then steps should be taken to confirm whether these signs have revealed contamination in excess of Department cleanup levels. This should be discussed with the responsible party at the time the signs of a discharge are detected, so that appropriate sampling can be conducted.
- D. If there is an unresolved incident at the time of closure, whether discovered prior to closure or during closure, then an incident investigation must be conducted which may necessitate soil and/or groundwater sampling. Appropriate steps should be taken to

ensure that the incident is investigated to the point where it can be determined whether a discharge has occurred or not.

- E. Please note that in cases under this subsection where no closure assessment work is required, a Limited Closure Summary Report, Form 62-761.900(8) is NOT required. However, as noted in the Department's Storage Tank System Closure Assessment Requirements document "*other Department rules such as 62-701, 62-730, 62-770 and 62-775, F.A.C., have specific handling and reporting requirement (for example, for the disposal of contaminated soil or water, product, sludge, tank carcasses and piping systems) that must be followed*". Therefore, the responsible party must provide written disposal documentation for system components, tank contents, as well as contaminated media removed from the facility.

**Item 4 - Chapters 62-761.800(3)(b)3., & 62-762 .801(4)(b)3., F.A.C.**

*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) & 62-762.641(3)(a), F.A.C.*

- A. Generally speaking, tanks are the only system component that have a closed interstitial space and can be upgraded with secondary containment by installing a new primary tank within the confines of the existing single walled tank. Thus, this subsection really just deals with these instances.
- B. As long as a closure assessment was conducted at the time the single walled tank was converted to a double walled tank and the tank has met the breach of integrity testing requirements, a subsequent closure assessment is not required.
- C. If a closure assessment was not required at the time the single walled tank was converted to a double walled tank, and the tank has met the breach of integrity testing requirements, a closure assessment is not required.
- D. Please note that in cases under this subsection where no closure assessment work is required, a Limited Closure Summary Report, Form 62-761.900(8) is NOT required. However the responsible party must provide written disposal documentation for system components, tank contents, as well as contaminated media removed from the facility.

**Item 5 - Chapters 62-762.801(4)(b)4., & 62-762.801(4)(b)5., F.A.C.**

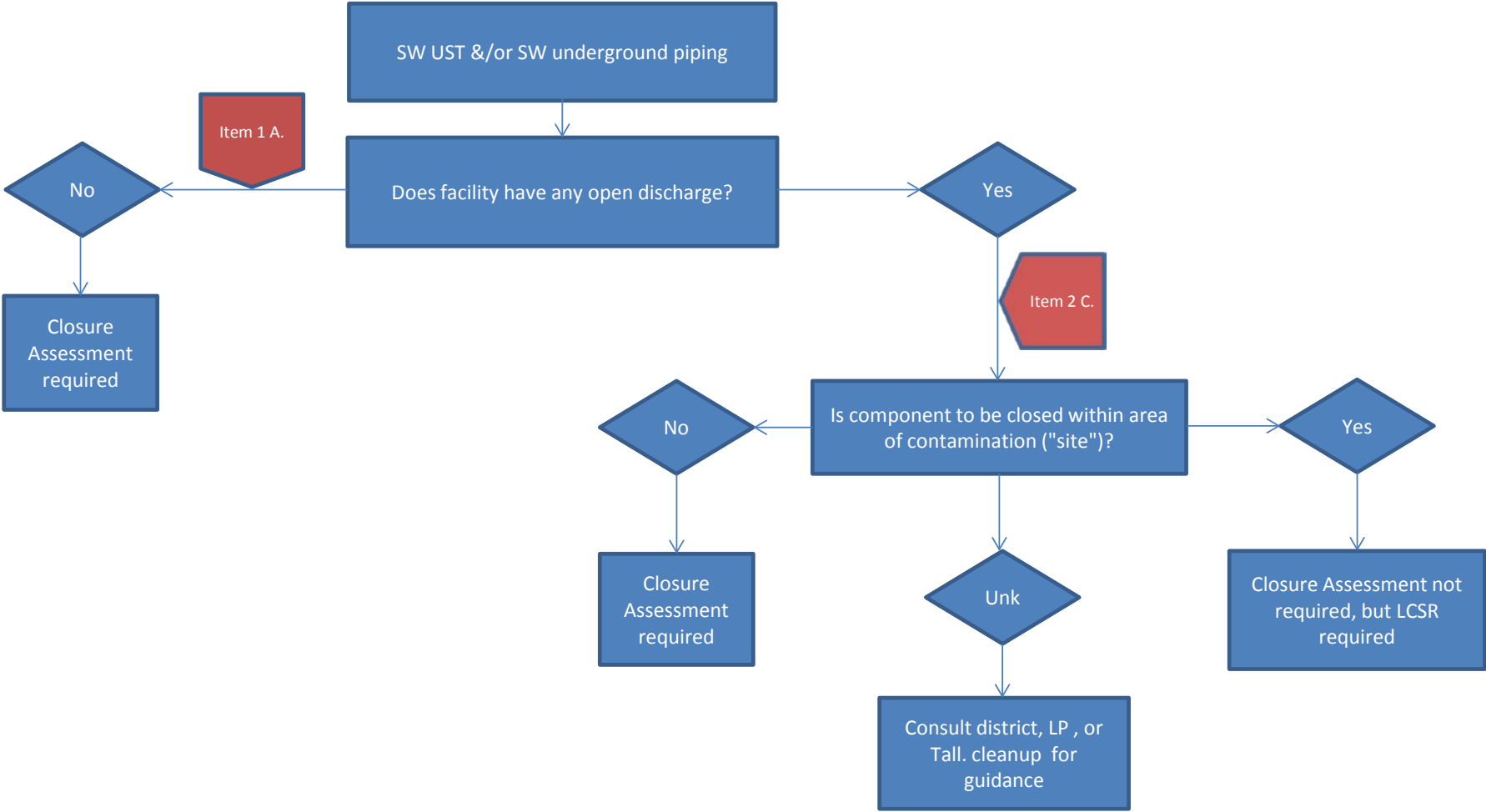
*.801(4)(b)4. - Double-walled shop-fabricated aboveground tanks.*

*.801(4)(b)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.*

- A. As these existing tank systems were required to have secondary containment, at the latest, by 1/1/2000, this should no longer be a concern. At the time of closure of these systems, the guidance provided in this document for .801(4)(b)2., (Item 3) should be followed.

# DETERMINING WHEN A CLOSURE ASSESSMENT IS REQUIRED

## Closure Assessment Requirements for Single Wall Tanks/Piping



**DETERMINING WHEN A CLOSURE ASSESSMENT IS REQUIRED**  
**Closure Assessment Requirements for Systems Initially Installed w/Secondary Containment**

