

62-761.400 Registration and Financial Responsibility. [UST]

(1) General registration requirements.

(a) 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) 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.

(2) Registration fees.

(a) 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 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) Financial responsibility.

(a) 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) 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.

Specific Authority 376.303 FS. Law Implemented 376.303, 376.309, 376.3077 FS. History—New 12-10-90, Formerly 17-761.400, Amended 9-30-96, 7-13-98, 6-21-04.

62-762.401 Registration and Financial Responsibility. [AST]

(1) General registration requirements.

(a) The owner or operator of any facility, or the owner or operator of a storage tank system, aboveground hazardous substance tank, or compression vessel, shall register the storage tank system, aboveground hazardous substance tank, or compression vessel with the Department on Form 62-761.900(2).

(b) 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, above ground hazardous substance tank, or compression vessel.

(2) Registration fees.

(a) General requirements.

1. Registration fees are due from the tank or facility owner or operator, as indicated in this section, for all registered storage tank systems and compression vessels, except for:

a. Storage tank systems that have been properly closed in accordance with subsection 62-762.801(3), F.A.C.; and

b. ASTs at federally-owned or operated facilities.

2. A registration fee of \$50.00 per tank or 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.

3. 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 62-762.801(3), F.A.C., by July 1 each year.

4. 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.

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

6. 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.

(b) Specific requirements.

1. Bulk product facilities. Owners or operators shall submit:

a. An annual renewal fee of \$25.00 for each tank with a capacity of 250,000 gallons or less by July 1 of each year; and

b. An annual renewal fee of one dollar per every 10,000 gallons of storage capacity, for each tank with a storage capacity greater than 250,000 gallons, by July 1 of each year, not to exceed \$1,000.00 per tank.

c. In no circumstances will the owner or operator of any facility pay an annual fee greater than \$5,000 for all pollutant storage tanks located at the facility.

2. Compression vessels and aboveground hazardous substance storage tanks.

a. Owners and operators shall submit a renewal fee of \$25.00 per tank or vessel to the Department by July 1 each year.

b. In no circumstance will the owner or operator of any facility pay an annual fee greater than \$2500.00 for all registered compression vessels and aboveground hazardous substance storage tanks located at the facility.

(3) Financial responsibility.

(a) 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. Owners or operators shall substitute "aboveground" or "aboveground and underground" for "underground," where applicable, for any documents required in C.F.R. Title 40, Part 280, Subpart H, that are submitted to the Department to demonstrate financial

responsibility.

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) Aboveground storage tank systems. The minimum requirements for financial responsibility for ASTs containing petroleum or petroleum products became effective on January 1, 1995, and are the same as provided by C.F.R. Title 40, Part 280, Subpart H, except for the following:

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

2. For a storage tank system with a capacity greater than 10,000 gallons and less than or equal to 30,000 gallons, the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of \$1 million per incident and \$1 million annual aggregate.

3. For a storage tank system with a capacity greater than 30,000 gallons and less than or equal to 250,000 gallons the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of \$1 million per incident and \$2 million annual aggregate.

4. For a storage tank system with a capacity greater than 250,000 gallons, the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of \$3 million per incident and \$6 million annual aggregate.

Specific Authority 376.303 FS. Law Implemented 376.303 FS. History—New 6-21-04.

Editorial Note: *Formerly 62-761.400.*