



Florida Department of Environmental Protection

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Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

March 23, 2011

Certified Mail, Return Receipt Requested
Number 7009 3410 0000 2532 2716

Mr. John Vautier
JV & Associates, Inc.
14530 Riviera Pointe Drive
Orlando, FL 32828

Subject: Approval of Emco Wheaten - Stainless Steel Spill Containment insert for the A1005-XXXX Series. File No. EQ-764R

Dear Mr. Vautier:

The Bureau of Petroleum Storage Systems has concluded its review of the Equipment Approval request dated March 21, 2011, that was submitted for the Emco Wheaten Stainless Steel Spill Containment insert for the A1005-XXXX Series, pursuant to Rules 62-761.500(1)(b), 62-761.500(1)(d), 62-762.501(1)(c), and 62-762.501(1)(e), Florida Administrative Code, (F.A.C.). The Department rescinds the Final Order for EQ-764 dated March 17, 2011 and replaces it with this Final Order.

Based on the information provided by Emco Wheaten, the Department finds that the applicant's Stainless Steel Spill Containment insert for the A1005-XXXX Series provides environmental protection substantially equivalent to that provided by compliance with the requirements established in Rules 62-761.500(1)(b), 62-761.500(1)(d), 62-762.501(1)(c), and 62-762.501(1)(e), F.A.C. and may be installed in other existing spill containment devices.

Pursuant to Rule 62-762.851(2), F.A.C., the request for the use of the Emco Wheaten Stainless Steel Spill Containment insert for the A1005-XXXX Series is approved in the State of Florida as a spill containment device that meets the performance standards in Rules 62-761.500(1)(b), 62-761.500(1)(d), 62-762.501(1)(c), and 62-762.501(1)(e), F.A.C., and that is installed as a double walled spill containment device in other Department approved spill containment devices that are made by other manufacturers.

Please be advised that the above referenced DEP rules are subject to change. If the above rule standards are modified in the future, this order may be modified or rescinded for future upgrades and installations. Additionally, if the product(s) show a consistent pattern of failure(s), and therefore does not provide substantially equivalent environmental protection, the Department may rescind this order.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, F.S., within **21** days of receipt of this Order. Persons who have filed such a petition may seek to mediate the dispute and choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning a hearing and pursuing mediation are set forth below.

Persons affected by this Order have the following options:

- A. If you choose to accept the Department's decision regarding the Order, you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.
- B. If you choose to challenge the decision, you may do the following:
 - 1. File a request for an extension of time to file a petition for hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order. This request should be made if you wish to meet with the Department in an attempt to resolve any disputes without first filing a petition for hearing or negotiate an agreement to mediate; or
 - 2. File a petition for administrative hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order.
 - 3. In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation under Section 120.573, F.S., and must negotiate an agreement to mediate within **10** days after the deadline for filing a petition.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the applicant, shall mail a copy of the request to the applicant at the time of filing. Failure

to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the applicant shall mail a copy of the petition to the applicant at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsection 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information.

- a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of when and how the petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- e) A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

How to Pursue Mediation

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the

Department, and any person who has filed a timely and sufficient petition for hearing). The agreement must contain all the information required by Rule 28-106.404, F.A.C. The agreement, signed by all parties, must be received by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000 within 10 days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

Pursuant to Rule 28-106.404, F.A.C., an agreement to mediate must include the following.

- (i) The name, address, and telephone number of the persons who may attend the mediation, (also the DEP facility number, the name and address of the facility if applicable);
- (ii) The name, address, and telephone number of the mediator agreed to by the parties;
- (iii) How the costs and fees associated with the mediation will be allocated (the Department will not pay any of the costs of mediation);
- (iv) The agreement of the parties regarding the confidentiality of discussions and documents introduced during mediation to the extent authorized by law;
- (v) The date, time, and place of the first mediation session;
- (vi) The name of the party's representative who shall have authority to settle or recommend settlement; and
- (vii) The signature of the parties.

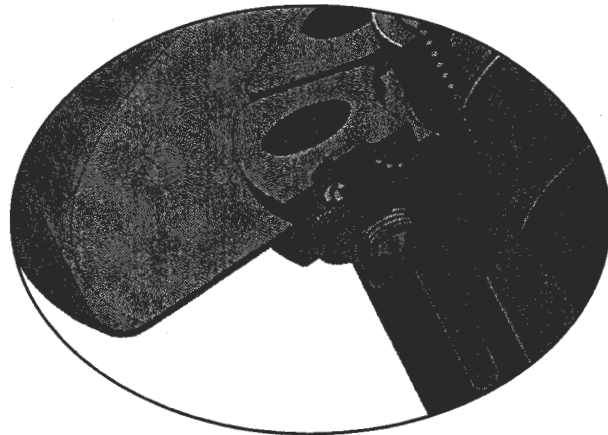
As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within 21 days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57, F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., are resumed.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or mediation settlement.

EMCO®
WHEATON RETAIL

A1005-517
Replaceable Stainless Steel
Spill Containment

Remote Fill Spill Containment For Glass-On Ameron LCX



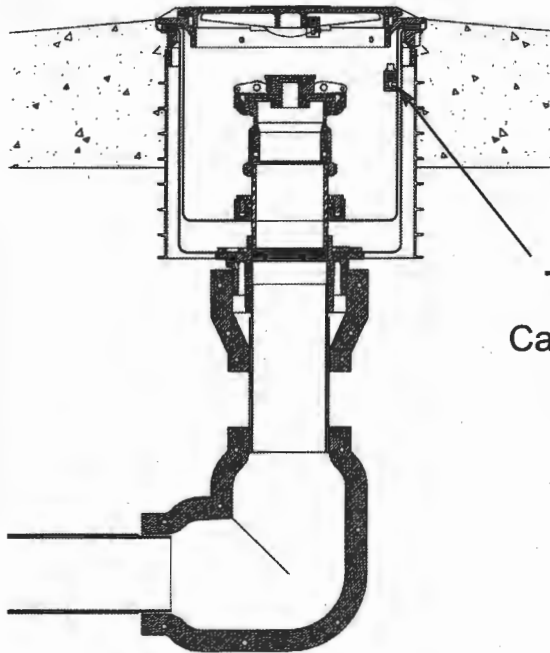
Test port in spill bucket allows testing of the interstitial space of remote fill piping

Special flange allows ability to terminate LCX piping into the spill containment

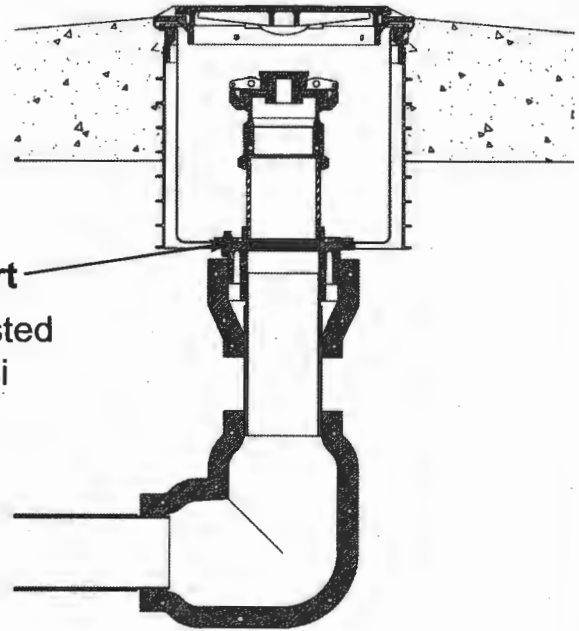
EMCO[®]
WHEATON RETAIL

A1005-517

Replaceable Stainless Steel
Spill Containment



A1005-517SF
Double Wall



A1005-517AF
Single Wall

Test Port
Can be tested
at 30 psi

- **Never break concrete**
- 16" center to center
- Stainless steel bolts and Nitrile seals on bottom flange
- Non-corrosive gravel guard
- Water-resistant composite lid with built-in handle and exclusive triple wiper seal, meets H20 load rating

INSTALLATION INSTRUCTIONS

Required Tools :

3/8" wrench (test port plug)
Emco A0081-001 Adapter Wrench

Step 1 Glue System in Place

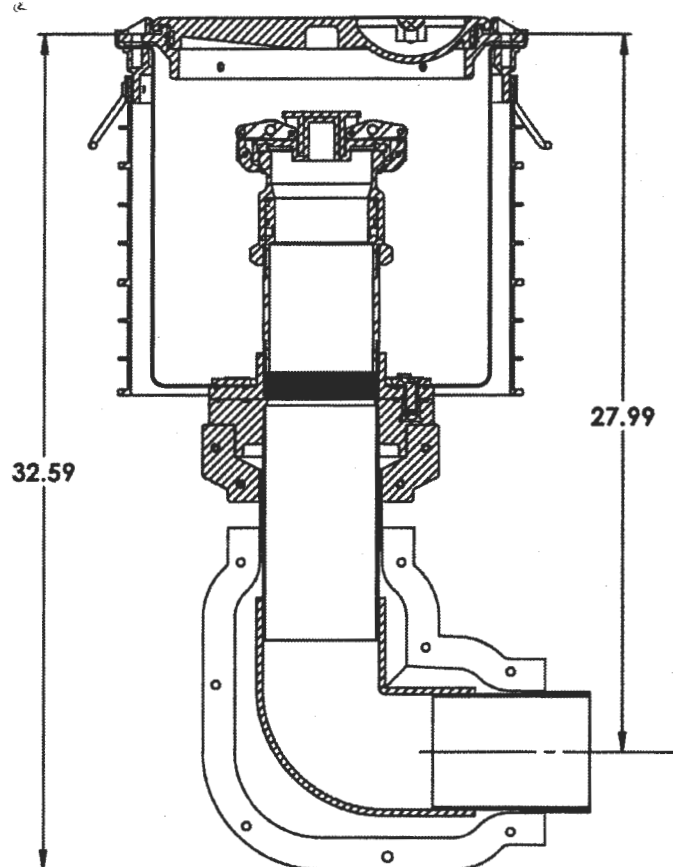
1. The A1005-517AF includes the stub-out pipe and is completely assembled. Follow Ameron primary and secondary procedures to glue the system in place.

Step 2 Install Pipe Nipple and Adapter

1. Insure that the nipple end is flat and does not have burrs as this could cause leakage from the adapter gasket.
2. Install pipe nipple.
3. Install adapter as per A0030-124S Fill Adapter Instructions.
4. Torque to 60-75 lbs/ft.

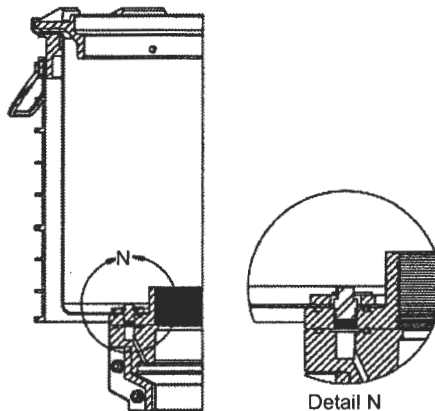
Caution: Do not overtighten as this can cause leakage from the adapter gasket.

5. Perform normal hydrostatic test on spill containment.
6. Replace lid on manhole.



Step 3 Testing Pipe Interstitial Space

Test port is located in bottom of manhole as shown. Remove the 1/4" pipe plug using a 3/8" wrench. Attach appropriate device and follow Ameron test procedures for testing interstitial space.



Step 4 Backfill and Finish

1. Finish back filling around manhole to depth required for concrete pad.
2. Concrete must completely fill around and under manhole rim to insure proper anchoring. Be sure to allow a 1" crown above grade to manhole rim for water run-off.
3. After concrete has set, remove excess concrete from inside of rim and the runoff channels.
4. Paint lid as required by product color code.

WARRANTY POLICY
A1005 SERIES STAINLESS STEEL SPILL CONTAINMENT

Emco Wheaton Retail Corporation A1005 Double Wall Stainless Steel spill containment assemblies are warranted to be free from defects in material and workmanship under normal use and service for a period of twelve (12) months from date of shipment from Emco Wheaton Retail Corporation. In addition, the stainless steel primary and secondary components are warranted to be free from defects in material and workmanship, as well as corrosion, for a period of three (3) years from the date of shipment from Emco Wheaton Retail Corporation.

Emco Wheaton Retail Corporation shall, at its option, repair or replace that part which proves to be defective. This warranty is void unless the original purchaser returns the claimed defective item to Emco Wheaton Retail Corporation for inspection to determine whether the claimed defect is covered by this warranty. Alternatively, an authorized representative of Emco Wheaton Retail Corporation may inspect the claimed defective item at the installation site.

The exclusive and sole remedy under this warranty is repair or replacement of the defective part. Emco is not responsible for claims for damage caused by improper installation or maintenance; misuse of the product or use of the product for other than its intended purpose; or accident, acts of God, or natural phenomena. Emco will not pay for labor or related expenses, nor shall Emco be liable for any incidental, consequential or exemplary damages. This warranty is void if the Emco Wheaton Retail Corporation product has been previously repaired with parts not approved by Emco Wheaton Retail Corporation.

EMCO WHEATON RETAIL CORPORATION MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, (WHETHER WRITTEN OR ORAL), INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE.

In the event of failure within the warranty period, call the Customer Service Department at **(800) 234-4394**. Describe the problem to the customer service representative. The customer service representative will provide a product complaint number, if applicable. Ship the defective equipment **PREPAID** to Emco Wheaton Retail Corporation for repair or replacement.

Emco Wheaton Retail Corporation products should be used in compliance with applicable federal, state and local laws and regulations. Product selection should be based on physical specifications and limitations and compatibility with the environment and material to be handled. All illustrations and specifications are based on the latest product information available at the time of publication. Emco Wheaton Retail Corporation reserves the right to make changes at any time in prices, materials, specifications and models and to discontinue models without notice or obligation.