



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 29, 2009

Certified Mail

Return Receipt Requested: 7009 0820 0001 2298 5045

Mr. John Vautier
Emco Wheaton Retail Corporation
14530 Riviera Point Drive
Orlando, Florida 32828

Subject: Approval of Emco Wheaton Secondary Spill Containment Model
A1004-316 / 317 Series, File No. EQ-741

Dear Mr. Vautier:

The Bureau of Petroleum Storage Systems has concluded its review of the Equipment Approval request dated December September 4, 2009 that was submitted for the above referenced equipment pursuant to Rule 62-76.850, Florida Administrative Code (F.A.C.).

Based on the information provided by the Emco Wheaton Retail Corporation, Department finds that applicant's of Emco Wheaton Secondary Spill Containment Model A1004-316 / 317 Series, will provide environmental protection substantially equivalent to that provided by compliance with the requirements established in Rule 62-761.500(1)(c), F.A.C.

Pursuant to Rule 62-762.851, F.A.C., the request for the use of the above referenced product is approved for use a spill containment system for underground storage tanks in the State of Florida provided that the Emco Wheaton Secondary Spill Containment Model A1004-316 / 317 Series, must be installed and tested in accordance with Exhibit A prior to being placed into service and recorded in accordance with Rule 62-761.710, F.A.C, requirements in Exhibit A attached with this Final Order.

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 If the above rule standards are modified in the future, this order may be modified or rescinded for future upgrades and installations.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) shows 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 for 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.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal

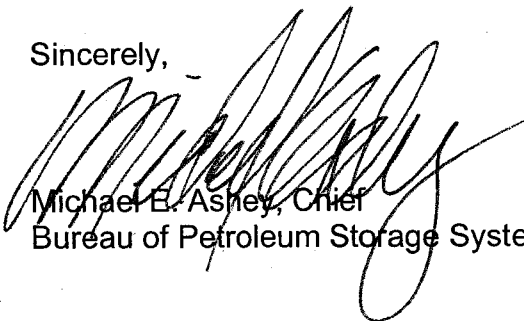
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accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your equipment approval should be directed to Farid Moghadam at (850)245-8848. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850)245-2242. Contact with any of the above does not constitute a petition for administrative hearing (or time extension) or agreement to mediate.

Sincerely,



Michael E. Ashley, Chief
Bureau of Petroleum Storage Systems

MEA/fgm

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Cheryl Stafford
Clerk
(or Deputy Clerk)

9/29/09
Date

EQ-741 Summary
Emco Wheaton Retail Corporation

Description of EQ-741

The Emco Wheaton Secondary Spill Containment Model A1004- 316 / 317 series is an underground storage tank spill containment device. The system includes a bucket, secondary containment, made out of high density poly ethylene, connector to the riser, monitoring port, stainless steel gravel guard, and cover. Once this system is installed, the replacement of bucket can be easily accomplished.

The company has supplied a third party evaluation from Ken Wilcox Associates, Inc. The company has provided the installation and testing instructions.

Statute/Rule Analysis

The Emco Wheaton Secondary Spill Containment Model A1004-316 / 317 series is in compliance with Rule 62-761.500(1)(c), F.A.C., requirements since the product meets the minimum requirements for spill containment. The company has supplied the third party evaluation from Ken Wilcox Associates, Inc. The conditions of the Final Order would give assurance that the spill containment is installed and tested in accordance with manufacturer's instructions and the requirements of Chapter 62-761, F.A.C. are met.

Effects/Risks

The Department's approval is justified in accordance with Rule 62-761.850(2), F.A.C. The Emco Wheaton Secondary Spill Containment Model A1004-316 / 317 Series is equivalent to other spill containment approvals and meets the minimum spill containment requirements in the rule. There are no adverse effects to the rule or the program for approving the product. This product is one of a few products for spill containment that has secondary containment.

IMPORTANT

Read these instructions completely before attempting to install this system. Failure to follow these instructions could result in damage to the manhole or tank and will void any warranty. Installation of the A1004 manhole on risers other than 4" NPT or use of equipment other than Emco Wheaton Retail could require modifications. Prior to any modifications or if you have any questions, please call Emco Wheaton Retail Customer Service at 800-234-4394.

RETROFIT INSTALLATION INSTRUCTIONS

New site installation instructions on page 2

The A1004 will accommodate movement due to frost heave and settling.

Required Tools

Tape measure

9/16" wrench

Emco Wheaton Z0838 Thread Sealant

Emco Wheaton A0081-001H Primary Base Wrench

Emco Wheaton A0081-001 Adapter Wrench

The A0081-001H Wrench must be used to properly torque the manhole. The handles are mounted to the skirt and will rotate relative to the manhole; therefore, the handles cannot be used to achieve the proper torque.

Step 1 Remove Existing Spill Containment Unit

Step 2 Tank Riser Pipe Length

1. Measure from grade to the top of the riser pipe = length A
2. New Emco manhole height = $16\frac{5}{8}"$ (1" is subtracted to account for threading the manhole on the riser pipe:
 $16\frac{5}{8}" - 1" = 15\frac{5}{8}"$)
3. Dimension A must be $15\frac{5}{8}" \pm \frac{1}{2}"$ ($15\frac{1}{8}" - 16\frac{1}{8}"$). If not, see following steps, 4 and 5. The jacks in the unit can be used to raise or lower the installed height by $\frac{1}{2}"$ each way from the height (as manufactured, $16\frac{5}{8}"$)
4. If dimension A is greater than $16\frac{1}{8}"$, the difference must be made up using riser extensions (Figure 1)
A0031-175 ($1\frac{3}{4}"$ extension)
A0031-250 ($2\frac{1}{2}"$ extension)
Examples: A = 17"; $17" - 1\frac{3}{4}" = 15\frac{1}{4}"$ (using the A0031-175)
A = 18"; $18" - 2\frac{1}{2}" = 15\frac{1}{2}"$ (using the A0031-250)
5. If dimension A is less than $15\frac{1}{8}"$, the riser pipe must be cut and rethreaded to equal $15\frac{5}{8}"$, dimension A (Figure 2)

Proceed to Step 3 on page 3

Figure 1

If dimension A is greater than $16\frac{1}{8}"$, add riser extensions to achieve $15\frac{5}{8}" \pm \frac{1}{2}"$ ($15\frac{1}{8}" - 16\frac{1}{8}"$)

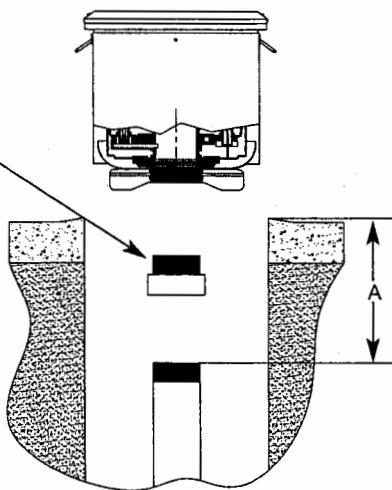
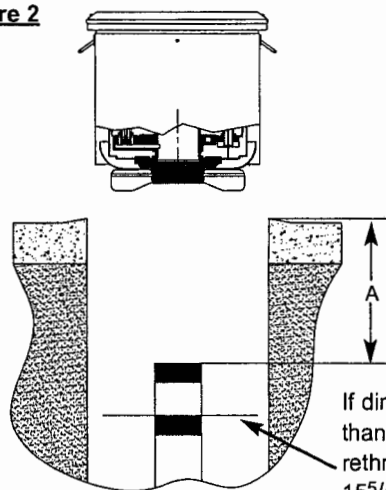


Figure 2

If dimension A is less than $15\frac{1}{8}"$, cut and rethread riser to equal $15\frac{5}{8}"$



NEW SITE INSTALLATION INSTRUCTIONS

The A1004 will accommodate movement due to frost heave and settling.

Required Tools

Tape measure

9/16" wrench

Emco Wheaton Z0838 Thread Sealant

Emco Wheaton A0081-001H Primary Base Wrench

Emco Wheaton A0081-001 Adapter Wrench

The A0081-001H Wrench must be used to properly torque the manhole. The handles are mounted to the skirt and will rotate relative to the manhole; therefore, the handles cannot be used to achieve the proper torque.

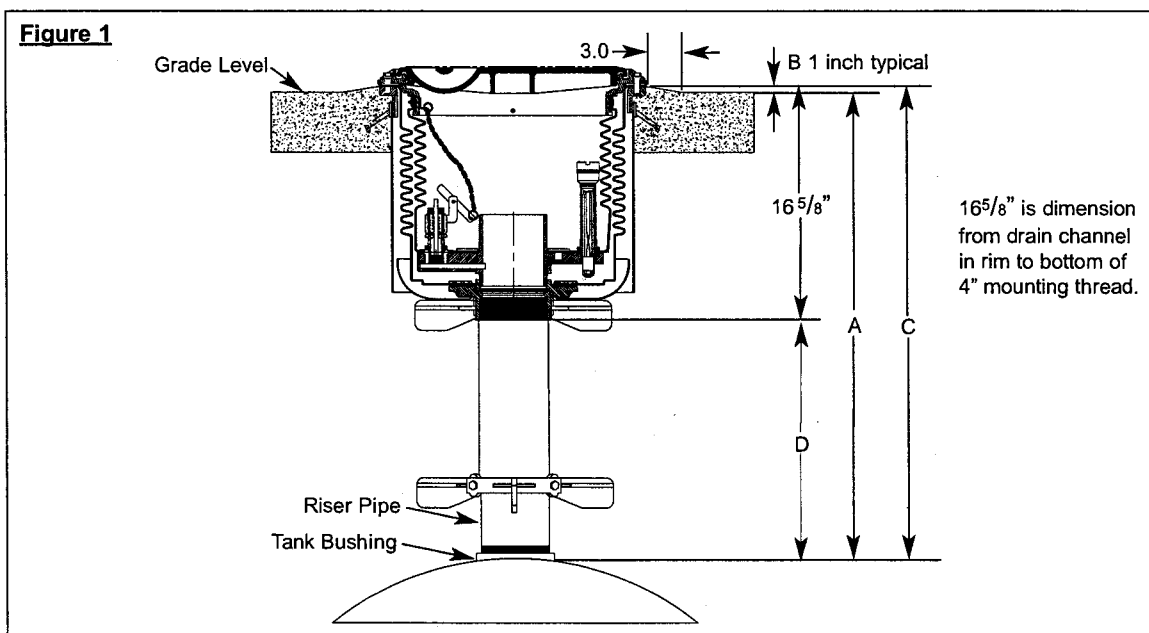
Step 1 Tank Riser Pipe Length (Figure 1)

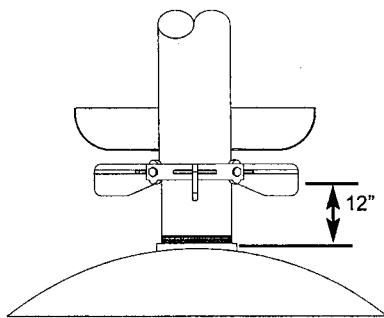
1. Measure from top of tank bushing to grade = length A
2. Add crown height, length B to length A = length C
- Note: Length B should be 1" minimum for proper run-off
3. Manhole height = $16\frac{5}{8}$ "
4. Subtract manhole height, $16\frac{5}{8}$ " from length C = distance between the tank bushing and manhole body, length D
5. Cut and finish riser pipe to length D plus 2". Thread riser pipe to 4.00 - 8 NPT requirements.
6. Tighten riser pipe/tank joint using a permanent thread sealant such as Emco Wheaton Z0838.

Example

1. A buried tank measures 36" from the top of the tank bushing to grade level. Length A is 36".
2. The site requires 1" crown above grade to manhole rim for water run-off. Length B is 1".
3. Length A + length B = length C; $36" + 1" = 37"$
4. Length C - $16\frac{5}{8}" =$ length D; $37" - 16\frac{5}{8}" = 20\frac{3}{8}"$
5. The 4" riser pipe should be $20\frac{3}{8}" + 2" = 22\frac{3}{8}"$

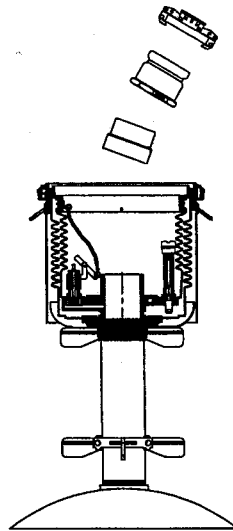
Proceed to Step 3 on page 3





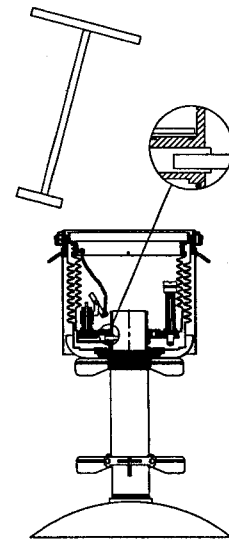
Step 3 Riser Lock to Riser

1. Emco Wheaton A0028 riser lock for tank riser pipe is not included. However, Emco Wheaton recommends they be used to prevent the turning of riser pipe during future repair operations. If installing, use a 9/16" wrench to install the riser lock onto riser pipe approximately 12" from top of tank.



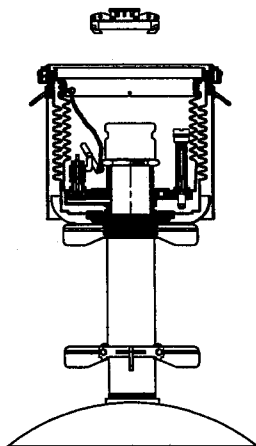
Step 4 Nipple and Adapter

1. All SX and SV variants (cap and adapter included): Remove adapter from nipple.



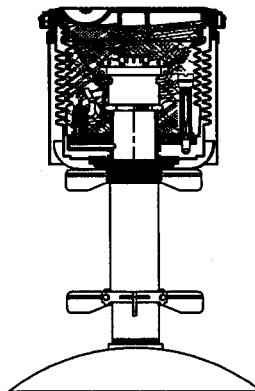
Step 5 Install and Tighten Manhole

1. Screw the manhole to riser joint using a thread sealant such as Emco Wheaton Z0838.
2. Using Emco Wheaton A0081-001H Adapter Wrench, torque to 100-150 lbs/ft. Do not tighten using handles.
Caution: Excessive tightening of the manhole may result in damage to the manhole which may cause leakage.



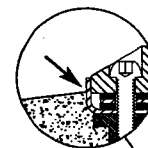
Step 6 Adapter

1. After installing drop tube or overflow prevention valve, reinstall adapter as per A0030-124S Fill Adapter Instructions or A0076-124S Vapor Adapter Instructions.
2. Torque to 60-75 lbs/ft.
Caution: Do not overtighten.
3. Replace lid on manhole.

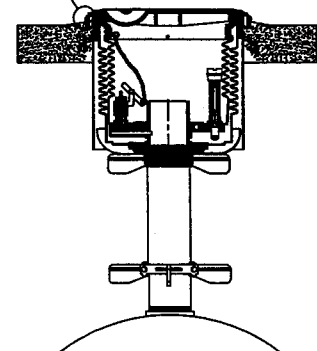


Step 7 Hydrostatic Test - perform per local requirements.

Step 8 Secondary Integrity Test - see attached



Do not allow concrete to flow inside plastic dam



Step 9 Backfill and Finish

1. Finish back filling over tank and 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.

Secondary Integrity Test

Emco Wheaton Retail A1004-316S Double Wall Spill Containments are vacuum tested, both primary and secondary, prior to shipment. To ensure that no damage has incurred during shipment or installation, the following test is a quick, on-site method to verify the integrity of the primary and secondary containments.

Equipment

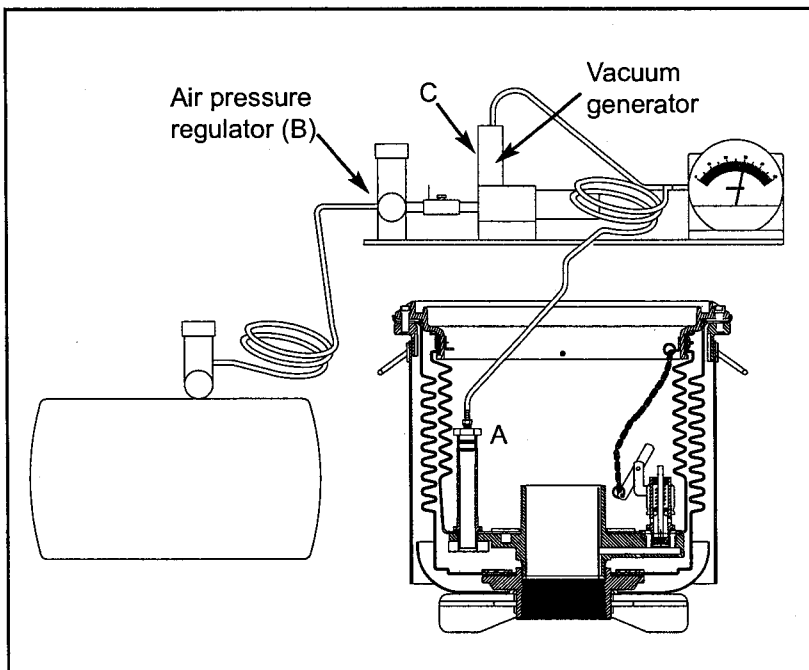
Vacuum apparatus w/test adapter 494343, available from Emco Wheaton Retail, p/n A1004-210TEST

Timer

Air supply, 30 psi

Procedure

1. Remove the dipstick from the inspection port and install the test adapter p/n 494343 (included with the vacuum apparatus) (A).
2. Attach air pressure source to air pressure regulator (B) on vacuum apparatus.
3. Slowly apply vacuum of 30" water column (2.2" mercury) to the interstitial space, by moving the toggle switch (C). Wait 30 seconds. Reapply 30" water column.
4. Ensure switch is in off (center) position, start timer and record remaining vacuum after 1 minute.
5. If the remaining vacuum after 1 minute is 26" water column (1.9" mercury) or greater, both the primary and the secondary containment vessels are tight.
6. If the test fails, allow the bellows to equalize for one minute and repeat test, starting at step 3.
7. If test fails a second time, refer to Emco Wheaton Retail Test Procedures TP-160 and TP-161.
8. Replace components or repair as necessary.



Maintenance

1. Keep rim/lid and drain areas free of debris.
2. Replace any damaged part at once.

Replacement Items

494551	Drain Kit
494343	Test Adapter
494773	Primary Repair Kit w/Drain
494774	Primary Repair Kit w/o Drain
494775	Secondary Repair Kit
494641	Dipstick
A1004-210TEST	Vacuum Test Apparatus
A1004-210GAGE	Interstitial Gage
A1004-316LID	Lid and Seal



494343 Test Adapter

A1004-316 / 317 Testing Documentation

Site Location: _____

Starting water column pressure: _____

Ending water column pressure: _____

Company Name: _____

Contractor Signature: _____

Date: _____

Results:
Pass/Fail: _____

EXHIBIT A