

Retail Fueling Facility Compliance Training for Owners & Operators

May 2019



Containment Sumps: Installation and 2020 Upgrade



Containment sumps- Installation and 2020 upgrade

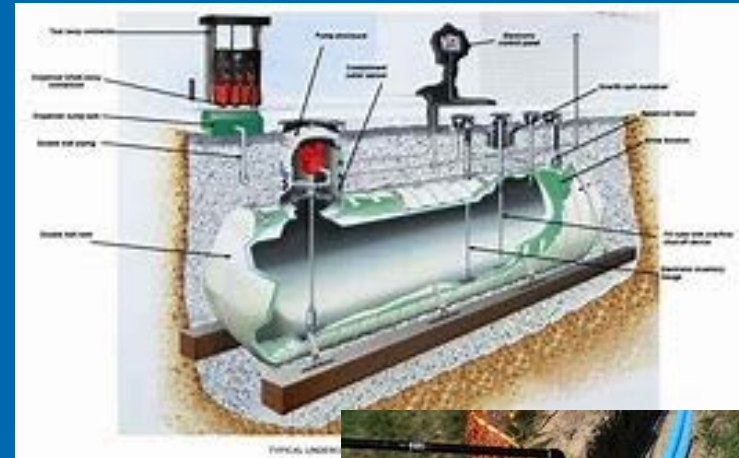
Upgrade deadline- December 31, 2020

- No exceptions or extensions

Applies to:

- Dispenser sumps
- Tank top sumps
- Transition sumps

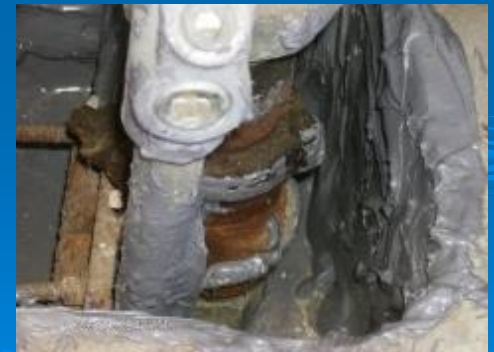
All require non-discriminating sensors- ATG or stand-alone



Containment sumps- Installation and 2020 upgrade

General design:

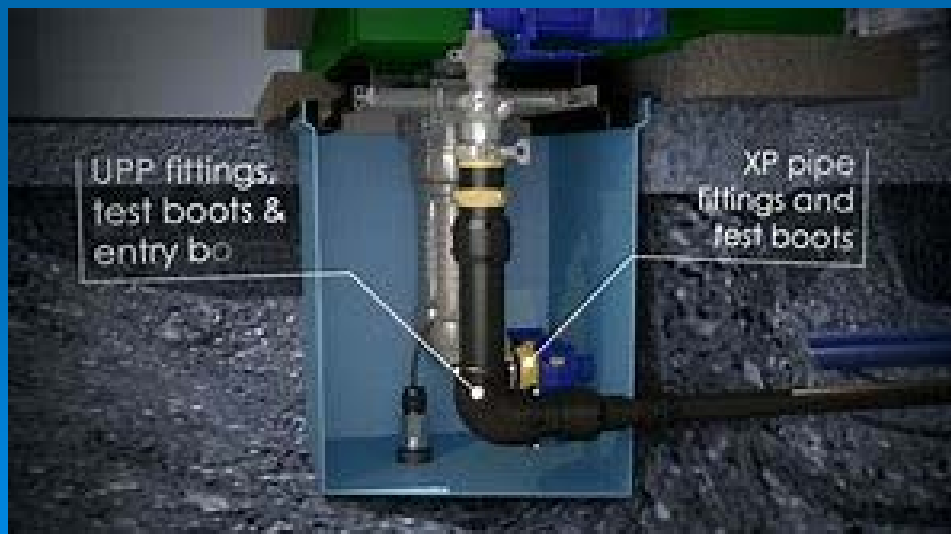
- For existing systems can be manufactured, field fabricated or dispenser pan
- New systems require manufactured sump
- Tested at install and at inspectors discretion
- For field fabricated sumps- allow one repair if fails subsequent tightness test then has to be replaced with manufactured sump.



Containment sumps- Installation and 2020 upgrade

Dispenser sumps:

- UST systems: applies to all new and existing dispensers with SW/DW piping
- Also applies to new dispenser added to existing or extended island



Containment sumps- Installation and 2020 upgrade

Dispenser sumps:

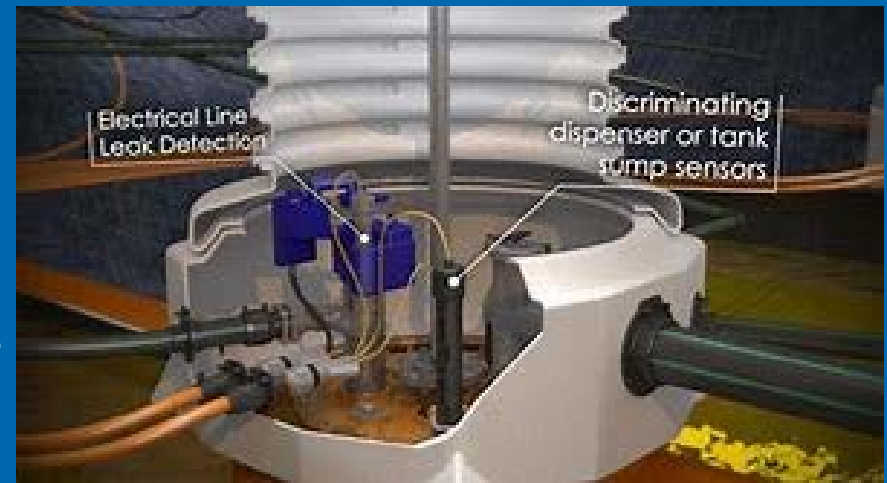
- AST systems: applies to all new and existing dispensers with aboveground piping not on an impervious surface
 - Impervious- concrete, steel, etc.
 - Pervious- asphalt, earth, clay dike?



Containment sumps- Installation and 2020 upgrade

Tank top sumps:

- UST only- applies to new and existing tanks with SW/DW piping
- Connection points that routinely contain product- submersible, suction stubs (foot valves or safe suction)
 - Exemption: does not apply to safe suction systems installed before August 1, 2009



Containment sumps- Installation and 2020 upgrade

Transition sumps:

- Aboveground piping to underground piping and vice-versa
- Only required on new installs or when piping is replaced.



Changes to Wisconsin Administrative Code ATCP 93



Timeline for ATCP 93 Law Change

- April 16, 2018 - Deadline for public comments
- July 24, 2018 - DATCP Board approves final rule
- March 22, 2019 - Governor approves rule
- **Next Step - Presentation of final rule to Legislature for review May 2019**
- August 2019?? - Possible effective date

ATCP 93 Law Change

➤ Highlights:

- Incorporation of SPS rules:
 - Credentialing
 - Fees
- 2015 EPA rule changes
- General clarifications (definitions, etc.)



Changes Primarily Affecting Service Companies



ATCP 93.100(3)(b) – Plan Review

- Review time changes from 15 to 20 business days.
- If an applicant does not respond to a request by the department for additional information within 6 months after the date of the request, the department shall make a determination on the application based upon the information on hand.



ATCP 93.120 - Revocation and expiration of approval

- DATCP may revoke any approval issued for any false statements or misrepresentation of facts upon which the approval was based.
- Plan approval by the authorized agent or the department shall expire in the following circumstances:
 - Construction has not commenced within two years from the date indicated on the approved plan
 - The construction has not been completed within five years from the date indicated on the approved plan

ATCP 93.1605 - Fees

- Contractors must pay the reinspection fees to the authorized agent or the department if a return trip is required due to any of the following or a trip is rescheduled on less than 24 hours of notice for any of the following:
 - Failure to have the tank system accessible for inspection on the date and time specified for inspection.
 - Installation inspection points that are incomplete on the date and time specified for inspection.
 - Failure to correct deficiencies by the date and time specified for inspection.

ATCP 93.1605 - Fees

- Projects initiated without required plan approval are subject to double fees



ATCP 93.115(2)(b)3.b. - Notification

- Currently service companies are required to notify DATCP, on form TR-WM-121, at least 5 business days before starting an installation, to arrange for inspection.
- In the new code, any date or time changes to the original submitted notification form must be requested at least one business day prior to the original date or time. The new date or time must be later than the original date or time.

ATCP 93.165 - Alternate Forms

- When required to record certain information on a particularly specified department form, that requirement may be met by recording the same information in the same format on an alternate form if that form is approved by the department.
 - Several contractors like to insert their letterhead onto our forms, that would be acceptable as long as contains the same information as our form.

ATCP 93.240 - Certifications and Enforcement

- Authority to credential companies and technicians was moved from SPS 305 to ATCP 93 for:
 - Tank Specialty Firm
 - AST/UST Installer
 - Remover-Cleaner
 - Site Assessors
 - UST Liners
 - Tightness Testers
 - Cathodic protection- Testers and experts



Changes Primarily Affecting Owners and Operators



ATCP 93.115(3)(c) - Changes to Administrative Order Timeline

- Current order process:
10 day order → 5 day → red tag
- New order process:
15 day order → red tag
 - Facilities requiring inspection after a red tag is applied may be subject to a reinspection fee



ATCP 93.175 - Prohibited practices

- Falsifying any records and reports required by ATCP 93
- Removal of or tampering with any red-tag without written authorization from the department or an authorized agent.
- Installation or removal of any storage tank system without department or authorized agent approval.

ATCP 93.175 - Prohibited practices (continued)

- Unauthorized altering or disabling of any system covered in ATCP 93
- Failing to maintain permits and financial responsibility for underground storage tank systems
- Failure to comply with an administrative order issued by the department or an authorized agent.

ATCP 93.500(6)(d) - Installation of Sumps

- Secondary containment sumps must be liquid tight.
- These sumps must be tested for leaks hydrostatically at installation unless the sump has continuous electronic pressure, vacuum, or liquid-filled interstitial monitoring in addition to double-wall construction and the monitoring system is tested at installation
- Spill buckets covered by similar language in ATCP 93.505(2)(a)3.b.

ATCP 93.500(8)(c) – Periodic Sump Testing

- Except for double-walled containment sumps with continuous electronic pressure, vacuum, or liquid-filled interstitial monitoring, all new or existing containment sumps that are part of a piping interstitial monitoring system shall be tested for leaks at least once every three years
- Spill buckets covered by similar language in ATCP 93.505(3)(b) except testing is annual.

ATCP 93.500(8)(c) – Periodic Sump Testing

Sumps requiring testing must be tested using one of the following methods:

- A code of practice developed by a nationally recognized association or independent testing laboratory.
- Other method approved by the department.
- Spill buckets covered by similar language in ATCP 93.505(3)(b) except testing is annual.

ATCP 93.230(2)(b) - Access

- The new law requires that facilities have available personnel, keys, codes or other items necessary to provide open access to sumps, dispensers, pumps or areas that contain liquid system valves, controls, connections and fittings for the purpose of inspecting for leaks, functionality of fire safety and leak prevention equipment or verification of proper system operation.



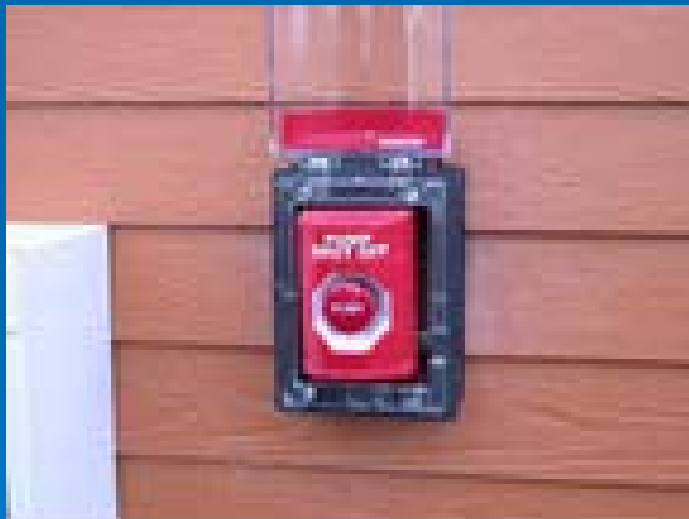
ATCP 93.230(9) – Property Maintenance

- The area around any tank, the area around or within a secondary containment, and the dispensing or transfer area shall be maintained free of vegetation, debris and other material that is not necessary for the operation of the tank, leak or spill containment, or liquid dispensing or transfer.



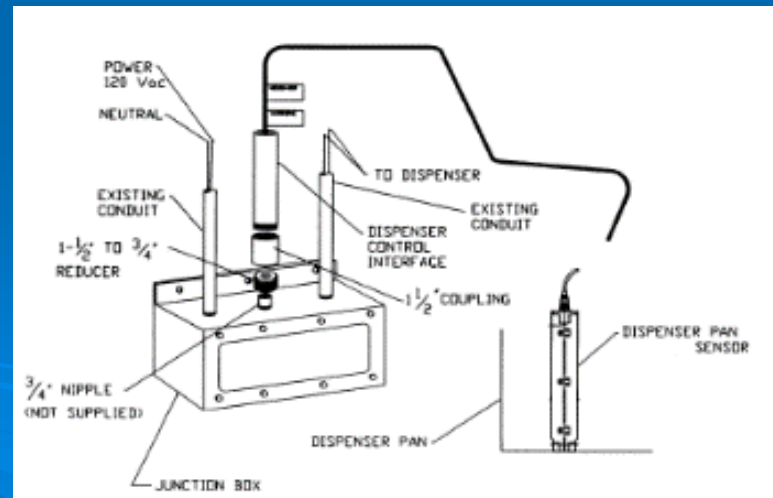
ATCP 93.370(2) - Emergency shutoff (E-Stops)

- The emergency electrical shutoff must be tested annually.
- This test will be added to the Annual Functionality Verification form TR-WM-139.



ATCP 93.500 General Requirements for USTs

- Interstitial monitoring systems for new tank or pipe monitoring shall have:
 - Ability to print a monthly status report
 - OR
 - Submersible pump or dispenser shuts down when liquid detected



ATCP 93.500(7) – Repairs

- Post-repair testing must be conducted on tanks including ullage space, piping, sumps, interstitial space, spill prevention equipment
- Records of these repairs must be kept
 - Repairs below shear valve or affect leak detection recorded on TR-WM-136 and provided to owner

ATCP 93.500(7) – Repairs (continued)

- Where the capability of the leak detection equipment to detect a leak was compromised and a repair was required, the repair form TR-WM-136 must be sent to the department within 15 days of the repair.

ATCP 93.515(6) - SIR Leak Detection

- Product levels must be measured with an automatic tank gauge or electronic inventory probe
- You must get a conclusive pass or fail within 30 day period, including reporting time back from vendor or use another method
- Before changing to SIR from another method, the systems needs to have passed a precision tightness test for entire system within previous 12 months



ATCP 93.515(11) – Ordered Change in Leak Detection Method

- The authorized agent or the department may order an operator, in writing, to terminate the use of a leak detection method and convert to an approved electronic methodology with history-generation capabilities for any of the following reasons:
 - The operator has a history of failing to perform monthly leak detection for a total of six months or more during a twenty-four month period, or for three consecutive months.

ATCP 93.515(11) – Ordered Change in Leak Detection Method (continued)

- Statistical inventory reconciliation reports reflect “pass” for a total of six months or more during the preceding twenty-four months, or for three consecutive months, and the data points are not consistent with the material approval criteria in s. ATCP 93.130.
- The operator fails to review monthly leak-detection reports on an approved basis.
- 4. The operator enters data into an inventory record that is not supported by actual probe-generated data.
- 30-day compliance deadline

ATCP 93.535 – Lining Inspection

- Lining and CP added at same time- use either physical internal or video inspection
- CP added after tank lined- 1st 5-year inspection following upgrade physical inspection only, if no change in wall thickness- 2nd 5-year inspection can be video or physical internal inspection
- Lining only, no CP- physical internal inspection only



ATCP 93.535 – Lining Inspection



ATCP 93.545 - Seldom used or temporarily out of service tanks (TOS)

- Single-walled tanks or piping installed more than 30 years ago must be placed back into service within one year or be permanently closed per ATCP 93.560.



ATCP 93.605 - Fuel Dispensing

Hose electrical continuity testing changed from annual to only when:

- Installing or replacing any hanging hardware assembly or component
- the hose breakaway becomes disconnected



ATCP 93.605 - Fuel Dispensing

Water level in tanks is must not exceed the following measurements:

- 1/4 inch in gasoline-alcohol blends, biodiesel, biodiesel blends, and E85 fuel ethanol.
- Aviation gasoline and aviation turbine fuel—one inch
- 2 inches in gasoline, diesel, gasoline-ether, kerosene and other fuels.

ATCP 93.605 - Fuel Dispensing

- Tanks used to store motor fuels or kerosene shall have the water level checked and recorded at least once per month.
- Anytime the water level exceeds the levels in this paragraph, the cause of the water ingress shall be determined and corrected and excess water removed from the tank within 5 days.

ATCP 93.810 - Operator Training

Some modifications were made to the definitions for clarification.

- “Class A operator” means the individual who has primary responsibility to operate and maintain the UST system in accordance with applicable requirements. The Class A operator typically manages resources and personnel, such as establishing work assignment to achieve and maintain compliance with regulatory requirements.

ATCP 93.810 - Operator Training

- “Class B operator” means the individual who has day-to-day responsibility for implementing applicable regulatory requirements. The Class B Operator typically implements in-field aspects of operation, maintenance, and record keep for UST Systems.

ATCP 93.810 - Operator Training

- “Class C operator” means the individual responsible for initially addressing emergencies presented by a spill or release from a UST system. The Class C operator typically controls or monitors the dispensing or sale of regulated substances.

ATCP 93.830 - Operator Training

The responsibilities of the operators were updated to be consistent with EPA requirements.

- Class A operator responsibilities were amended to include compliance with tank system registration and permit requirements.

ATCP 93.830 - Operator Training

- On a monthly basis, the Class B operator must review the PEI RP 500 and 900 periodic inspections required by ATCP 93.500(8) and ATCP 93.605(1).
- Monthly walk-through inspections are not currently required to be conducted by a certified operator and will not be required to be conducted by a certified operator in the new code. However, the Class B operator will be required to review the inspection checklist each month to ensure the inspections are being conducted and any deficiencies found are corrected.

ATCP 93.860 - Operator Training

Documentation Deadlines

- An incoming Class A or Class B operator for a facility that was complying with s. ATCP 93.820 immediately before that personnel change shall notify the department of the Class A or Class B operator change within 15 days of completing the training program.
 - There was no previous requirement to notify the department of A/B Operator changes.

ATCP 93.870 - Operator Training

Record keeping

- Owners and operators of underground storage tank systems must maintain and have available onsite for inspection documentation of designated Class A, Class B, and Class C operators and maintain records verifying that the training and retraining, as applicable, have been completed. Records must:
 - Identify all Class A, Class B, and Class C operators currently designated for the facility.
 - Include names, class of operator trained, date of assumed duties, date of each completed initial training, and any retraining.

ATCP 93.870 - Operator Training

Record keeping

- The records must:
 - Identify all Class A, Class B, and Class C operators currently designated for the facility.
 - Include names, class of operator trained, date of assumed duties, date of each completed initial training, and any retraining.
 - Include certificates specified in s. ATCP 93.850(1)(c) verifying completion of training or retraining.
 - Be maintained in paper or electronic form by the owner or operator for as long as the Class A, Class B, or Class C operators are designated.

ATCP 93.880 - Operator Training

Retraining for non-compliance

- If the authorized agent or the department determines that an underground storage tank system is not in compliance with release prevention and release detection requirements or exhibits a continuing pattern of non-compliance with this chapter, the department or authorized agent may order that the Class A, Class B, or Class C operators shall be retrained within 30 days.

QUESTIONS?

