

Rev April 2009

## What Wisconsin Tank Owners Need to Know About the Revised Comm 10 Code

The Wisconsin Department of Commerce has revised and updated the Comm 10 Flammable, Combustible and Hazardous Liquids Administrative Code. The revised code was effective on February 1, 2009. The following are highlights of some of the changes that may affect owners or operators. *Refer to the code for more specific and detailed information.*

### Plan review requirements for tank installation [10.100]

- Pre-installation plan review is no longer required for aboveground tanks less than 1,100 gallon capacity storing Class IIIB liquids. Plan review is still required for waste / used motor oil.
- Plan review is not required for the reconfiguration of existing piping located aboveground connecting a storage tank to a manufacturing or blending process.
- Pre-installation plan review has been simplified for installation of aboveground tanks less than 1,100 gallon capacity at farm or construction projects. [10.630(3)].
- Plan review is no longer required for aboveground tanks less than 1,100 gallon capacity supplying mobile power or heating plants based upon specific conditions within the code.

### Tank installation setback from wells. [10.260]

- Setbacks for both USTs and ASTs from municipal and private potable water wells have been modified and apply to the setback for new tanks to existing wells.

### Placing tanks back into operation

- Before a tank system is placed back into operation that has undergone a modification or upgrade, or has been in Temporary-Out of –Service status, integrity tests must be performed and an authorized Comm 10 inspector must perform an inspection. [10.115(2)(b) and 10.545(2)]

### Tank registration [10.140]

- Registration no longer required for ASTs less than 1,100 gallon capacity on farms, at construction projects or used to store Class IIIB liquids other than used oil.

### Change of ownership [10.150]

- The individual or company taking ownership of property with a storage tank must provide updated registration information, including permit application for those tanks requiring permits, within 15 days of the completing the real-estate transaction. Tank system records must be transferred with property sale. An inspection must be performed by an authorized inspector. Tank system may be red-tagged for failure to comply. [10.115(3)(a)(8)]
- Permit must be posted where visible to the public [10.145(5)]

### Tank system maintenance and management

- Adopted national standards: PEI RP 500 - Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment; PEI RP 900 – Recommended Practice for Inspection and Maintenance of UST Systems. [10.200]
- In concert with the above national standards, the code requires the implementation of periodic inspections and functionality assessment requirements of fire prevention and environmental protection components. [10.230(10)]
- Dispensers for motor vehicle fueling must be tested annually for electrical continuity. [10.600(1)(b)]
- Testing requirement before placing system back into operation when underground components of system may experience potential damage from weather, vehicle or human related incident. [10.230(11)]
- For consistency and uniformity in the manner in which calibration and compliance tests are documented, annual calibration and compliance tests are required to be recorded on a standard form – ERS-10778. This form is completed by the service technician and maintained on site by the tank operator. [10.510(2)]
- Periodic STI SP001 visual and/or intrusive inspection of AST is required. The specific degree and frequency of inspection is dependent upon the size, material of construction, method of containment and the national standard the tank was constructed under. [10.440]
- Repairs or modifications to ASTs shall conform to STI SP031 – Standard for Repair of In-service Shop

Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids. [10.400(7)]

- Any human intervention to over-ride, obstruct or interfere with the proper functioning of tank vents, drop-tubes, spill prevention, overflow prevention, or alarm mechanisms is considered "tampering." [10.115(5) and 10.410(4)]

#### **Record keeping**

- Record keeping requirements are in concert with federal EPA regulations and national standard requirements. The length of retaining the associated records is either in concert with the respective regulations or department regulatory oversight needs. [10.400(11) and 10.500(9)]

#### **Secondary containment for existing systems**

- When 50% or more of a run of underground piping is replaced the entire run must be upgraded to double-wall pipe with nondiscrimination electronic interstitial monitoring. [10.400(3)] and 10.500(5)]
- All pipe connections at a dispenser for motor vehicle fueling that are installed or replaced must be placed within secondary containment. [10.400(3)(c)] and 10.500(5)(c)]
- All pipe connections at a dispenser for motor vehicle fueling that are not in containment must be placed within containment no later than Dec 31, 2014. [10.400(3)(d)] and 10.500(5)(d)]

#### **Aboveground tank marking** [10.400(7)]

- All aboveground tanks shall be marked with the NFPA 704 four color hazard classification system diamond placard.

#### **Leak detection**

- Inventory Control - API 1621 is the standard and methodology for inventory control (IC) for facilities using IC and tightness testing as the primary leak detection methodology. The threshold is 0.5% throughput, rather than 1% plus 130 gallons. [10.515(2)]
- Statistical Inventory Reconciliation (SIR) – Operators have four (4) days from the end of the monthly reporting period to submit data to their SIR vendor. Operators shall review the results within 24 hours of receipt. [10.515(6)]
- All underground pipe from an AST must have approved leak detection no later than February 1, 2011 [10.400(4)]

#### **Corrosion Protection**

- Existing underground pipe from an AST must have CP no later than February 1, 2011 [10.400(2)(c)]
- Periodic testing of systems using sacrificial anodes has been modified to every three (3) years until the 10 year anniversary of the age of the tank, at which time periodic testing is to be performed annually. [10.520(1)(d)]
- Any UST with internal lining shall have an internal inspection at 5 year intervals. [10.535(1)]

#### **Overflow prevention**

- All USTs shall have overflow prevention that performs all of the following no later than February 1, 2011: 1) alerts the operator when the tank is 90% full by restricting flow or triggering an alarm; and 2) automatically shutting off the flow into the tank at 95% full. [10.505(2)(b) and NFPA 30-21.7.1.5] **NOTE 1:** a ball float does not qualify for 95% auto shut-off. **NOTE 2:** Refer to Comm 10.300(7) for used oil collection tanks.

#### **Dispensers and nozzles**

- Diesel fuel nozzles for cars and light trucks shall have an outside diameter of 0.929 - 0.9375 inches. The yellow nozzle jacket is no longer required. [10.605(1)(d)2b]
- Diesel fuel nozzles for heavy-duty trucks and off-road heavy equipment shall have an outside diameter of 0.929 – 0.9375 or 1.122 – 1.250 inches. The yellow nozzle jacket is no longer required. [10.605(1)(d)2c]
- Dispensers that are dispensing E85 and other gasoline blends via a single hose/nozzle must have a label warning customers of potential for first flush to be E85. [48.580(1)(c)]

#### **Dispenser & tank top pipe connection sump** [10.500(5)] & 10.615(5)]

- All existing pipe connections at the top of the tank and beneath all freestanding pumps and dispensers shall be placed within secondary containment sumps with electronic sensors by December 31, 2014. Exemption – existing safe suction systems.

#### **Web site References:**

Comm 10 code: [http://commerce.wi.gov/ERpdf/bst/CommCodes10\\_5\\_2\\_48/ER-BST-Comm10Revision-rules2007bac.pdf](http://commerce.wi.gov/ERpdf/bst/CommCodes10_5_2_48/ER-BST-Comm10Revision-rules2007bac.pdf)

Comm 10 Compendium: [http://commerce.wi.gov/ERpdf/bst/CommCodes10\\_5\\_2\\_48/ER-BST-Comm10CodeCompendium.pdf](http://commerce.wi.gov/ERpdf/bst/CommCodes10_5_2_48/ER-BST-Comm10CodeCompendium.pdf)