

Significant Retroactive Comm 10 Code Revisions Requirements  
Green font color refers to Comm 10 code revision expected to become effective August 2009

| Code Section   | Requirement                                  | Retroactive<br><br>(Meaning applies to existing equip.) | Retroactive<br><br>(Meaning must retrofit existing equip.) | Requirement Effective Date   | Comment  |
|----------------|--|---|--|--|--|
| 10.020(3)      | Code application                             | Yes   | No   | Codification to better express compliance expectations with current-day requirement. | Codified to maintain continuity with building code   |
| 10.100         | Plan review                                  | No/Yes  | No   | Effective date of code   | Currently plan review process is the same for all systems. This proposal 1) Modified size and occupancy plan review for new or replacement farm, construction site, and Class IIIB tanks. 2) Creates streamlined application for farm/construction site ASTs (1,100 gal or less) and POS conversions. 3) Adds consistency and clarification to plan review for components making an underground connection to a tank, product piping or vent piping. 4) Codifies / clarifies existing policy for tanks converted to ethanol blended fuels. |
| 10.100(1)(a)4b | Installation                                 | Yes   | No   | Codification to better express compliance expectations with current-day requirement. | No longer require individual modifying leak detection to hold installer credential   |
| 10.100(1)(b)   | Plan review exclusion                        | No  | No   | Effective date of code   | Excludes from plan review: (1) Class II liquid tanks with aggregate capacity of 1,100 or less to current mobile power or heating plant exclusion from plan review requirement. (2) Class III B liquid ASTs of 1,100 gallon or less. (3) Reconfiguration of aboveground pipe serving tanks used in industrial/manufacturing process. (4) Non flammable/combustible hazardous liquid tanks.  |
| 10.100(2)(c)2  | Identify community and private potable wells | No  | No   | Effective date of code   | Modified to address 2005 Federal Energy Bill and DNR requirements. Current Comm 10 code requires location within 200 ft.   |
| 10.100(1)(a)8  | Plan review                                  | Yes   | No   | Effective date of code   | Requires plan submittal prior to conversion to alternative fuels (ethanol >10% and biodiesel >5%). Current day rule allows post conversion submittal resulting in post conversion issues that were costly to correct.  |
| 10.115(3)(a)   | Enforcement                                  | Yes   | No   | Current policy   | Red-tag systems lacking current financial responsibility. Red-tag systems violating Comm 10.150 change of ownership. Red-tag systems with overfill prevention not functioning properly.  |

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| 10.115(3)(c)5     | Enforcement appeal                       | Yes    | No | Codification to better express compliance expectations with current-day requirement. | Clarifies status of enforcement under appeal   |
| 10.140(1)(b)1 & 2 | Tank registration                        | Yes    | No | Effective date of code   | Increases registration capacity of heating oil ASTs and ASTs inside buildings from 660 to 1,100 gallon for registration exclusion.   |
| 10.140(1)(b)3.    | Class IIIB tank registration             | Yes    | No | Effective date of code   | Currently rule requires all Class IIIB greater than 110 gal to be registered. Modification to exclude existing and new Class IIIB tanks of 1,100 gallon or less capacity, bringing into uniformity with other registration exclusions.   |
| 10.145(1)(b)3     | Tank permits                             | Yes    | No | Codification to better express compliance expectations with current-day requirement. | Removes all heating oil USTs from permit requirement.  |
| 10.145(5)         | Tank Permit                              | Yes    | No | Effective date of code   | Permits must be posted where the tank is located.  |
| 10.150            | Change of ownership                      | Yes    | No | Effective date of code   | Requires all ownership related data and financial responsibility be provided prior to placing the tanks into service under different ownership.  |
| 10.150(2)(e)      | Change of ownership                      | NA     | NA | Effective date of code   | Requires a copy of the newly recorded deed showing the new owner.  |
| 10.190            | Appeals and hearings                     | NA     | NA | Codification to better express compliance expectations with current-day requirement. | Codifies a formal appeal and hearing process.  |
| 10.200            | Updated & New adopted national standards | Yes/No | No | Effective date of code   | Updates to current addition of adopted national standards. New: American Concrete Institute standard for concrete containment of hazardous liquids. Also several new American Petroleum Institute (API), Petroleum Equipment Institute (PEI) and Steel Tank Institute (STI) construction and inspection standards. |
| 10.230(8)         | Maintenance                              | Yes    | No | Codification to better express compliance expectations with current-day requirement. | Codified for clarity and consistency with building code and standards.   |

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| 10.240(1)(f) | Certifications  | NA  | NA                             | Codification to better express compliance expectations with current-day requirement.       | Codified for clarity and consistency in recognizing competencies of a registered engineer as an option to a Comm 5 certified installer.  |
| 10.300(2)    | Used oil tanks  | No  | No                             | Effective date of code   | Waives listing requirement for smaller capacity tanks and establishes minimum appurtenance configuration.  |
| 10.300(4)    | Signage for used motor oil                                    | Yes | No-equipment<br>Yes-signage    | Effective date of code   | Modifications / clarification to used oil signage for existing and new tanks to address recycle center issues.   |
| 10.300(9)    | Scrap and auto recycling                                      | Yes | NA                             | Effective date of code   | Modifies code to address facility participation and compliance with the respective industry cooperative compliance programs  |
| 10.320(2)    | Fuel storage for stationary combustion engines                | NA  | NA                             | Codification to better express compliance expectations with current-day requirement.       | Added this section to improve understanding of national standards. Tanks filled by hand nozzle without hold open are excluded from general spill prevention requirement.   |
| 10.330       | Converted tanks for storing flammable and combustible liquids | Yes | Yes<br>currently non complying | If<br>Codification to better express compliance expectations with current-day requirement. | Clarifies non traditional existing and new tanks converted to store liquids that currently do not comply with code.  |
| 10.340(5)    | Transfer operations   | Yes | Yes<br>currently non complying | If<br>December 1, 2011   | Incorporates compliance date in code section.  |
| 10.350       | Hazardous Substances  | Yes | No                             | Codification to better express compliance expectations with current-day requirement.       | Adds technical requirements to existing and new tanks already regulated by the code, but lacking the technical regulations.  |
| 10.360       | Storage of Class IA flammable liquids                         | Yes | Yes                            | Codification to better express compliance expectations with current-day requirement.       | Existing and new tanks that currently do not comply with code. Primarily pressure vessel tanks that have been converted to Class IA liquid storage as a response to changes in federal regulations governing some gas products in manufacturing. |
| 10.370       | Transfer emergency shut-off                                   | Yes | Yes if not compliant           | Codification to better express compliance expectations with current-day requirement.       | Existing requirement further emphasized in Comm 10 to reduce technical oversight at installation   |

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| 10.370                 | Transfer emergency shut-off   | Yes | Yes if not compliant | Effective date of code   | Modifies existing language to include compliance date - Existing systems shall comply with this section within 2 years after December 31, 2009.  |
| 10.400                 | Vehicle fueling aboveground pipe to dispenser.  | Yes | No                   | Effective date of code   | Eliminated from code: Pipe to a dispenser must go underground within 10 ft. of an AST.   |
| 10.400(2)(c)           | Corrosion protection for underground pipe in an AST system  | Yes | Yes                  | Within 2 years of effective date   | Existing systems without CP. Maintain continuity with Federal SPCC (40 CFR 112) regulations.   |
| 10.400(3) / 10.500(5)  | Secondary containment of underground piping from an AST for new or 50% of repaired or replaced piping | Yes | No                   | Effective date of code   | New and repaired or replaced piping. Modified to address PECFA claim experience with source of AST releases.   |
| 10.400(6)              | Moving shop fabricated tanks  | Yes | No                   | Codification to better express compliance expectations with current-day requirement. | Clarifies the requirements when moving an existing tank from one location to another. Reduces some of the requirements often placed on O/O and contractor due to individual interpretations of existing rule.  |
| 10.400(7)(b)           | NFPA 704 labeling of ASTs   | Yes | Yes                  | Effective date of code   | Existing and new tanks. Codified to address fire service concerns and conform to International Fire Code.  |
| 10.400(8)(a)           | Shop fabricated tank inspection per STI SP031   | Yes | No                   | Effective date of code   | Post tank repair or modification inspection of all shop-built ASTs prior to placing the tank back into service. This requirement institutes a national standard in place of existing program repair inspection policy, thereby adding consistency in integrity assessment and also compliments the adopted STI SP001 standard. Brings Comm 10 into concert with Federal SPCC (40 CFR 112) regulations. |
| 10.400(11) / 10.500(8) | AST/UST record keeping  | Yes | No                   | Effective date of code   | Existing and new tanks. Clarifies and consolidates code recordkeeping requirements. Reduces some record retention period for some records.   |
| 10.410(7)              | Overfill alarms <u>and</u> auto shut-off for ASTs   | Yes | Yes                  | Within 1 year of effective date  | Overall the requirement for spill prevention has been significantly reduced to a very narrow population of tanks. Existing and new tanks with the fill point not in dikes and not meeting the exclusion criteria.  |
| (d)                    | Spill & overfill  | Yes | No                   | Effective date of code   | Provides exclusion from spill prevention if specific configuration in place.   |
| 10.420(2)              | Secondary containment   | No  | No                   | Effective date of code   | Allows an option to current requirement that earthen dikes be covered with a synthetic liner.  |
| 10.420(2)(g) and (h)   | AST dike liquid tight seam inspection   | Yes | No                   | Effective date of code   | Places a design requirement on new dikes that will not allow seams running under tanks.  |

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| 10.420(2)(j) | Containment drainage system  | Yes | If not compliant                | Codification to better express compliance expectations with current-day requirement.      | Rewritten to provide clarification of existing requirement.  |
| 10.440       | AST inspection   | Yes | No                              | Within 4 to 10 years of effective date  | New and existing systems not currently under API 653 or STI SP001 management. Clarifies periodic inspection requirement for tanks upgraded in 2001.  |
| 10.445       | TOS tanks  | Yes | Yes if not compliant            | NA  | Clarifies and codifies current day requirements  |
| 10.465(2)(b) | AST closure assessment   | Yes | No                              | Effective date of code  | Excludes ASTs less than 5,000 gallon, with no visible contamination, from closure assessment requirement.  |
| 10.500(1)(a) | Double wall tank and pipe requirement                              | No  | No                              | Effective date date of code   | All new federally regulated UST systems must be provided with secondary containment from the tank dispenser through the tank. Included to meet Federal Policy Act of 2005 (a.k.a. H.R. 6 Energy Bill) requirement.                       |
| 10.500(5)(a) | Secondary containment for pressurized underground pipe connections | Yes | Yes if 50% replaced             | The effective date of code  | Pressurized systems only, requires double wall pipe with non-discriminating interstitial monitoring on new underground systems or if replacing 50% of existing systems.  |
| 10.500(5)(c) | Dispenser / tank Sumps   | No  | No                              | The effective date of code  | Requires sump containment on new and replacement island of existing systems not currently providing environmental protection from leaks and spills. Included to meet Federal Policy Act of 2005 (a.k.a. H.R. 6 Energy Bill) requirement. |
| 10.500(5)(d) | Dispenser / tank Sumps   | Yes | Yes if contamination is visible | By Dec 31 of the 5 <sup>th</sup> year following calendar year from effective date of code | Requires sump containment on tank and dispenser connection areas that reflect visible environmental contamination.   |
| 10.500(6)    | Installation tightness test  | No  | No                              | Codification to better express compliance expectations with current-day requirement.      | Clarifies and codifies current day requirements  |
| 10.500(8)(c) | Record keeping   | Yes | No                              | Effective date of code  | Reduces record retention period for some records.  |
| 10.503       | Inventory verification   | Yes | No                              | Modification of current code requirement  | Eliminates non marketer facilities from requirement. No longer uses the 1% + 130 gallon threshold.   |
| 10.505(2)(b) | Overfill alarms & auto shut-off for USTs                           | Yes | Yes                             | Within 1 year of effective date   | Existing NFPA 30 requirement that is being emphasized in Comm 10 for existing and new tanks that currently do not meet the requirement.  |

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| 10.510(2)          | Annual leak detection calibration of UST system            | Yes | No  | Codification to better express compliance expectations with current-day requirement. | Existing code and federal rule requirement recognizing manufacturer's requirement is being emphasized and clarified in Comm 10 for existing and new tanks.   |
| 10.515(5)(c)       | ATG – Inventory control                                    | Yes | No  | Current requirement  | Maintains 10.503 Inventory Control as a method for leak detection only for ATG systems that do not have a printer or do not have continuous LD monitoring. No longer uses the 1% + 130 gallon threshold. |
| 10.515(2)(d)       | SIR result reporting                                       | Yes | No  | Effective date of code   | Codify SIR procedure to define acceptable O/O SIR practices. Procedure must be in place from code effective date forward.  |
| 10.515(6)(a) & (c) | Enforcement action for lack of IC records                  | YES | No  | Codification to better express compliance expectations with current-day requirement. | Codify enforcement action for consistency.   |
| 10.515(8)(d)       | Periodic line leak detector test                           | Yes | No  | Current requirement  | Require functionality test at startup and at least every three years. Codified for interpretation and consistency.   |
| 10.517             | Airport hydrant leak detection                             | Yes | Yes | Within 10 years of effective date  | Existing and new systems. Codified to recognize new technology.  |
| 10.520(1)(d)       | Operation, testing and maintenance of corrosion protection | Yes | Yes | Effective date of code   | Moves testing of STIP3 systems from annually to every 3 years until the tank is 10 years of age. Annual test from 10 year anniversary on.  |
| 10.520 (2) & (3)   | Operation and maintenance of corrosion protection          | Yes | No  | Codification to better express compliance expectations with current-day requirement. | Existing and new systems. Clarifies existing regulatory expectations and distinguishes the re-commissioning procedures for specific out-of-service periods.  |
| 10.535             | Periodic inspection and repair of previously lined tanks.  | Yes | Yes | Effective date of code   | Existing and new tanks with interior lining. Continue 5 year internal inspection cycle of lined tanks with Impressed current CP.   |
| 10.545(2)          | Placing a tank back in service                             | Yes | No  | Codification to better express compliance expectations with current-day requirement. | Clarifying and codifying current day requirements for contractor and inspector consistency.  |

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| 10.560(5)              | Tank closure   | Yes | No  | Codification to better express compliance expectations with current-day requirement. | Section created to condense and express the intent of several federal and state regulatory requirements.   |
| 10.570(4)              | Conditions indicating a release  | Yes | No  | Codification to better express compliance expectations with current-day requirement. | Modification to existing code language to clarify conditions that need to have an investigation or assessment if the tank system has a leak  |
| 10.600(1)(a)           | Inspection and maintenance of motor fuel facilities.                             | Yes | No  | Effective date of code   | Implement PEI RP400 industry standard for compliance continuity.   |
| 10.600(1)(b)           | Continuity testing   | Yes | Yes | Effective date of code   | Annual continuity test in accordance with PEI 400 as static fire prevention measure.   |
| 10.600(1)(e)3 & 4      | Maintenance practices  | Yes | No  | Codification to better express compliance expectations with current-day requirement. | Codified to provide inspectors with specific enforcement citation for frequent operational and maintenance non compliance issues   |
| 10.600(5)©             | Auto shut-off  | Yes | Yes | Effective date of code   | Automatic dispenser system shut down if leak detection for pipe or sump activates all; unattended facilities.  |
| 10.610 (1) through (4) | Aboveground fuel dispensing systems  | Yes | No  | Effective date of code   | Existing and new systems. Codifies several fueling practices that are currently prohibited, with specific setback and operational criteria.  |
| 10.615(5)(a)           | Double-poppet fire valve   | Yes | No  | Effective date of code   | New or replacement fire valves for Class I dispensers must be double-poppet. This provides a mechanism to prohibit the release of product above the fire valve (in the dispenser) should the dispenser be knocked over.  |
| 10.615(5)(a)           | Dispenser containment  | Yes | Yes | 5 yrs after effective date of code   | Requirement for all existing dispensers to be provided with leak and spill containment under the dispenser.  |
| 10.615(7)(c)           | Dispensing area safety Dispenser island displays, communications and fire safety | Yes | No  | Effective date of code   | Existing and new facilities. Codified to address and clarify fire service issues and intent of NFPA 30A requirements. Restricts merchandize display in dispensing area to address fire department safety concerns. Requirement may impact some existing facilities that currently do not provide adequate communication. |
| 10.620(2)              | Aboveground tank enclosure (fencing)   | Yes | No  | Effective date of code   | Gives an option to the mandate that ASTs for vehicle fueling be fenced.  |
| 10.620(3)(a)           | Diesel dispensing nozzle size  | Yes | Yes | Within 1 year of publication   | New and existing diesel dispensers. Codified to clarify criteria for dispensers not currently providing required nozzle. Eliminate nozzle jacket color requirement.  |

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| 10.630                   | Fuel dispensing at farms  | Yes | No                    | Codification to better express compliance expectations with current-day requirement. | Creates modified installation form for farm use and reduces install inspection to one post installation inspection.   |
| 10.650                   | Aircraft fueling  | Yes | No                    | Codification to better express compliance expectations with current-day requirement. | Codified to meld application of Comm 10 with national aircraft standards rather than vehicle fueling and also address fire service safety issues with off -airport events.  |
| 10.650(4)                | API 1542 marking and labeling of aircraft fuel dispensing systems | Yes | Yes                   | Codification to better express compliance expectations with current-day requirement. | New and existing systems not currently providing proper marking.  |
| 10.660                   | Racetrack fueling   | Yes | No                    | Effective date of code   | Moves out of vehicle fueling and modifies existing Comm 10 requirements for racetrack and amusement applications.   |
| 10.680                   | Alternative motor fuels   | Yes | Yes, if not compliant | Codification of existing policy  | Existing and new tanks that are not listed and do not have compatible seals, components, etc.   |
| 10.680(3)(c)2            | Separate hose for E85 dispensing                                  | Yes | Yes                   | Effective date of code   | Requires all new or or existing dispensers that are converted to E85 dispensing after the effective date of the code to have a separate hose/nozzle for E85 dispensing  |
| 10.800                   | Operator training   | Yes | NA                    | Effective January 2012   | Codifies Federal Energy Policy Act of 2005 requiring designated operator levels and respective training.  |
| 10.900(1)(b) through (g) | Financial responsibility applicability                            | Yes | No                    | Effective date of code   | Adds a limited population of existing and new aboveground tanks not currently under FR requirement. Added FR government categories that are included in 40 CFR 280 Subpart H, but were not included in previous versions of the code. |
| 10.915(5)                | Financial responsibility insurance beneficiary                    | Yes | No                    | Next renewal after effective date of code  | Property owner must be named as co-beneficiary  |
| 10.915(6)                | Insurer termination of coverage                                   | Yes | No                    | Effective date of code   | The insurer must notify the department of any lapse or termination of insurance coverage at the same time the insured is notified. The insured must notify Commerce within 10 days if they have allowed a lapse or changes insurer.   |
| 48.580(1)(c)             | Label for multi-product hoses dispensing E85                      | Yes | Yes                   | Effective date of code   | Existing dispensers that are dispensing E85 and other fuels via a single hose/nozzle must have a label warning customers of potential for first flush to be E85.  |