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## State Water Resources Control Board

July 18, 2019

Ms. Sandy Adams  
Franklin Fueling Systems  
3760 Marsh Road  
Madison, WI 53718

Dear Ms. Adams:

### **EVALUATION FOR OPW FUELING CONTAINMENT SYSTEMS ENHANCED VAPOR RECOVERY PHASE I SYSTEM**

As you know, Assembly Bill 2955 (statutes 2004, chapter 649) added section 25290.1.2 to chapter 6.7 of the Health and Safety Code (H&SC). This section requires the California Air Resources Board (CARB) and the State Water Resources Control Board (State Water Board) to certify, to the best of their knowledge and using existing resources, that equipment meeting the ARB's Enhanced Vapor Recovery (EVR) requirements also meets underground storage tank (UST) statutory requirements.

This determination letter supersedes all previous determination letters for the OPW Fueling Containment Systems EVR Phase I System and includes all the engineering statements from the determination letter issued August 26, 2014.

On March 3, 2019 and May 28, 2019, the State Water Board received information from Franklin Fueling Systems requesting a review of various components of the OPW Fueling Containment Systems EVR Phase I System. The component(s) submitted for the State Water Board's review include: 1) Defender 708-59X-9YZ Series Overfill Prevention Valve; 2) EBW 7822041X-2 Drop Tube; and 3) EBW 7822043X-2 Drop Tube. As indicated in the enclosed statements, a California registered professional engineer has reviewed the proposed modifications, and did not find any evidence that the proposed components conflict with chapter 6.7 of the H&SC.

State Water Board staff has reviewed the entire OPW Fueling Containment Systems EVR Phase I System and although the OPW Fueling Containment Systems EVR Phase I System does not conflict with H&SC, chapter 6.7 and implementing regulations, the following existing regulatory limitations apply:

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

## **Spill Containment**

### OPW Series 1 Spill Containment

- 1-2100 Series Spill Containment
- 1-2200 Series Spill Containment
- 1-3100 Series Spill Containment
- 1-3700 Series Spill Containment

### OPW / Pomeco 500 Series

The following limitations apply to Spill Containment:

1. The direct burial configuration of spill containment does not provide secondary containment for the tank fill riser. Secondary containment of the tank fill riser is required on all UST systems installed on or after July 1, 2003 and on certain other UST systems pursuant to chapter 6.7 of the H&SC and implementing regulations. Accordingly, the direct burial configuration only can be used on UST systems where secondary containment of the fill riser is not required.
2. As required by California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), section 2635(b)(1)(C), spill containers shall either have a drain valve, which allows drainage of the collected spill into the primary container, or provide a means to keep the spill container empty. For spill containment that does not have a drain valve, the UST facility owner/operator is required:
  - i. To have a means to keep the spill container empty;
  - ii. The process, procedures, and equipment (aka the means) to empty the container shall be identified as required by UST Regulations, section 2632(d);
  - iii. Spill buckets should be kept clean and free of liquid (water and fuel) and debris; and
  - iv. Liquid from the container must be stored and or disposed of in accordance with hazardous waste laws and regulations. More information regarding hazardous waste determination can be found in California Code of Regulations, title 22, section 66262.11.
3. Spill containers must be tested at least once every 12 months to ensure the spill container is capable of containing a spill until detected and cleaned up. The test must be performed in accordance with manufacturer written guidelines. If there are no manufacturer written guidelines, then the test must be performed in accordance with an industry code or engineering standard. If manufacturer written guidelines do not exist and industry code or engineering standards do not apply, then the test must be performed in accordance with a method developed by a California registered professional engineer.

4. Spill Containers must demonstrate compatibility with the substance being stored as specified in UST Regulations, section 2631(l). The owner or operator must submit to the local agency:
  - i. A written approval from an independent testing organization, in accordance with industry code, voluntary consensus standards, or engineering standards for the hazardous substance stored;
  - ii. A written approval from a state registered professional engineer for use with the hazardous substance to be stored. The approval shall contain an affirmative statement of compatibility with the substance and a specified acceptable range of blends or concentrations of the substance; or
  - iii. A written affirmative statement of compatibility from the manufacturer(s) of the components for use with the hazardous substance to be stored. The statement shall contain an affirmative statement of compatibility with the hazardous substance and a specified acceptable range of blends or concentrations of the hazardous substance.

### **Overfill Prevention Device**

OPW 61SO Series (Flapper Valve)  
OPW 71SO Series (Flapper Valve)  
OPW 53 VML (Ball Float Valve)  
OPW 30 MV (Ball Float Valve)  
Defender 708-59X-9YZ Series (Flapper Valve)

The following limitations apply to overfill prevention:

1. As required by UST Regulations, section 2635(b)(2), the overfill prevention device shall have no manual override and shall meet one of the following options:
  - i. Overfill device activates at 90 percent - restricts the flow to the tank or triggers and audible and visual alarm;
  - ii. Overfill device activates at 95 percent - provides positive shutoff of the flow to the tank;
  - iii. Overfill device activates at 95 percent - restricts the flow to the tank and activates an audible alarm five minutes before overfill; or
  - iv. Overfill device activates before fittings are exposed to product and provides positive shutoff of the flow to the tank.
2. When using a combination of ball float valves and flapper valves, the flapper valve should be set below the level of the ball float valves. If the ball float valve is installed below the flapper valve, it may interfere with the normal operation of the flapper valve.
3. Overfill prevention equipment must be inspected at least once every 36 months to ensure the device is set to activate at the correct level specified in UST Regulations, section 2635(c)(1) and will active when the stored

substance reaches that level. The inspection must be performed in accordance with manufacturer written guidelines. If there are no manufacturer written guidelines, then the inspection must be performed in accordance with an industry code or engineering standard. If manufacturer written guidelines do not exist and industry code or engineering standards do not apply, then the inspection must be performed in accordance with a method developed by a California registered professional engineer.

4. Overfill prevention equipment must demonstrate compatibility with the substance being stored as specified in UST Regulations, section 2631(l). The owner or operator must submit to the local agency:
  - i. A written approval from an independent testing organization, in accordance with industry code, voluntary consensus standards, or engineering standards for the hazardous substance stored;
  - ii. A written approval from a California registered professional engineer for use with the hazardous substance to be stored. The approval shall contain an affirmative statement of compatibility with the substance and a specified acceptable range of blends or concentrations of the substance; and
  - iii. A written affirmative statement of compatibility from the manufacturer(s) of the components for use with the hazardous substance to be stored. The statement shall contain an affirmative statement of compatibility with the hazardous substance and a specified acceptable range of blends or concentrations of the hazardous substance.

### **Remote Fill Jack Screw Kits**

OPW 61JSK-4RMT

OPW 61JSK Alternate Remote Fill

The following limitations apply to all remote fill configurations:

1. Owners or their agents are required to ensure that the space available in the tank is greater than the volume of product to be transferred to the tank prior to each delivery, therefore USTs must include a tank top access port or other method that allows product level gauging prior to delivery.<sup>1</sup>
2. Remote fill piping must be double-walled when connected to any one of the following:
  - i. A UST system installed on or after July 1, 2003;<sup>2</sup>
  - ii. A UST system installed before July 1, 2003 where the remote fill is designed and constructed to hold standing fluid;<sup>3</sup> or

<sup>1</sup> California Code of Regulations, title 23, section 2712(k)

<sup>2</sup> H&SC, chapter 6.7, sections 25290.1 and 25290.2

<sup>3</sup> H&SC, chapter 6.7, section 25281.5(a)(4)

- iii. A UST system where secondary containment of tank fill riser piping is otherwise required by state law or local ordinance.<sup>4</sup>
3. When remote fill piping is required to be double-walled, the requirement applies to ALL remote fill piping components, including any connected vertical pipe and horizontal-to-vertical transitions. To achieve this, single-walled piping components at the tank top and remote fill locations must be contained in sumps.

Pursuant to H&SC, chapter 6.7, section 25290.1.2(a), the State Water Board certifies that, to the best of its knowledge, the OPW Fueling Containment Systems EVR Phase I System, which includes the components listed on the enclosed system equipment list, meets the requirements of chapter 6.7 of the H&SC. This determination assumes the OPW Fueling Containment Systems EVR Phase I System is installed in accordance with the manufacturer's instructions and as required by chapter 6.7 of the H&SC and UST Regulations.

If you have questions regarding this letter, please contact Mr. Cory Hootman at (916) 341-5668 or by email at [cory.hootman@waterboards.ca.gov](mailto:cory.hootman@waterboards.ca.gov).

Sincerely,



Karen Mogus, Deputy Director  
Division of Water Quality

Enclosures (13):

1. OPW Fueling Containment Systems EVR Phase I System Equipment List (6/13/2019)
2. OPW 1-2100 Series Spill Containment Engineering Statement (8/3/2005)
3. OPW 500 Series Spill Containment Engineering Statement (8/3/2005)
4. OPW 53VML Overfill Prevention Ball Float Engineering Statement (8/3/2005)
5. OPW 61JSK-4RMT Remote Fill Jack Screw Kit Engineering Statement (10/4/2006)
6. Beaudreau Electric, Inc. PV-Zero Pressure Vent Valve Engineering Statement (12/5/2007)
7. OPW 1-3100 Series Spill Containment Engineering Statement (12/30/2008)
8. OPW 1-3700 Series Spill Containment Engineering Statement (3/1/2013)
9. OPW 71SO Series Overfill Prevention Valve Engineering Statement (3/1/2013)

Enclosures continue next page

<sup>4</sup> H&SC, chapter 6.7, section 25299.2

10. OPW 61-JSK-4410 Alternate Remote Fill Jack Screw Kit Engineering Statement (4/17/2013)
11. OPW 1-2200 Series Spill Containment Engineering Statement (3/21/2014)
12. OPW Drain Valve Replacement Plug for Series 1 Spill Containment Engineering Statement (3/31/2014)
13. Franklin Fueling Systems-Defender Series Overfill Prevention Valve & EBW Drop Tube Engineering Statement (5/21/2019)

cc: Ms. Laura S. Fisher, Chief  
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