

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—[Weights and Measures] Weights, Measures and Consumer Protection
Chapter 30—Petroleum Inspection

PROPOSED AMENDMENT

2 CSR 90-30.050 Inspection of Premises. The director proposes to deleting sections 7-11, 15, 17, 21 and 25 and amend renumber remaining sections and non-substantial changes.

PURPOSE: This rule is amended to remove obsolete or redundant language already in the NFPA 30 and 30-A and make non-substantial changes to the division name.

[(7) All storage containers, valves, piping, pumps and associated equipment shall be kept free of leaks.

[(8) Each storage container shall have the product it contains identified clearly and conspicuously on the container.

[(9) All electrical equipment shall comply with NFPA Manual No. 70 entitled National Electrical Code, 1996 Edition.

[(10) Each loading and unloading connection to petroleum storage shall be identified with the petroleum product for which it is to be used.

[(11) All tanks storing products regulated by Chapter 414, RSMo shall meet the requirements of NFPA Manual No. 30 entitled Flammable and Combustible Liquids Code, 1996 Edition.]

[(12)] (7) The fencing requirement contained in sections 2-1.3 and 2-4.7.1 of the 1996 Edition of NFPA Manual No. 30A shall not apply.

[(13)] (8) Section 2-4.2.1 contained in the 1996 Edition of the NFPA Manual No. 30A may be amended by the director if justification for the need is provided in writing and the level of safety to public and property will not be diminished.

[(14)] (9) After the effective date of this rule, the provisions of section 2-4.2.2, relating to aboveground storage tank distance requirements, contained in the 1996 Edition of NFPA Manual No. 30A shall apply only to new locations and those existing locations that—

- (A) Install aboveground storage tanks in place of underground storage tanks;*
- (B) Remove and replace all aboveground storage tanks, piping and dispensing devices;*
- (C) Replace any existing aboveground storage tanks with one of a larger capacity; and*
- (D) Install additional aboveground tanks.*

[(15) Effective July 1, 2000, tank gauging systems incorporating external plastic sight tube gauges cannot be utilized for gauging tank volume.]

[(16)] (10) All aboveground storage tanks installed and connected together, utilizing a common piping system or manifold, shall be installed with each tank top level with all other tank tops to prevent any overfilled tank condition. When tanks are manifolded or piped together, the total capacity of all tanks shall be considered as a single tank when calculating the capacity of the secondary containment facility.

[(17) Aboveground storage tanks shall not be installed or stacked above any aboveground or underground storage tank.]

[(18)] (11) Storage tanks of double wall construction are not acceptable for use aboveground in lieu of secondary containment by diking or remote impounding unless the tanks meet the requirements of NFPA 30A, 1996 Edition, section 2-4.5, and are equipped with automatic tank gauging, overflow protection and interstitial monitoring. Section 2-3.4.1, exception (2), contained in the 1996 Edition of NFPA 30 shall not apply.

[(19)] (12) Aboveground storage tanks shall not be installed under any electrical lines or transformers. All aboveground storage tanks shall maintain a minimum horizontal distance of ten feet (10') from any overhead power line or transformer.

[(20)] (13) All aboveground storage tanks utilizing compartments and storing different classes of products shall be constructed with a double wall center bulkhead with means of interstitial monitoring. This may be accomplished using an interstitial drain which must be kept closed at all times except for draining condensate or checking for leakage or failure of the bulkhead. Any liquid that is drained from the interstitial space, may be considered a hazardous waste, and must be disposed of in a manner that is in compliance with the Department of Natural Resources regulations pertaining to such liquids.

[(21) Any aboveground storage tank utilizing riveted construction, that has been determined by inspection, by the Department of Agriculture, to have extensive corrosion of the tank shell or seepage or leakage from any portion of the tank shell or tank seams, shall be removed from service and disposed of in a safe manner. All other aboveground storage tanks utilizing riveted construction shall be removed from service on or before December 31, 2005, and disposed of in a manner that is safe to public, property and the environment.]

[(22)] (14) The practice of switching the use of a storage tank from heating oil or kerosene to gasoline and from gasoline to heating oil or kerosene is prohibited (i.e., racing fuel to kerosene). Tank use is limited to a single product.

[(23)] (15) Tanks storing different classes of petroleum products (i.e., gasoline a class I or kerosene and diesel fuel a class II) shall not be piped or connected together.

[(24)] (16) Aboveground storage tanks that are not being used, and have been out of service for six (6) months or more, shall be emptied, cleaned of product and shall be removed from the secondary containment facilities.

[(25) Tanks manufactured for transportation purposes, such as tank wagon and transport tanks, shall not be utilized for fixed storage of products regulated by Chapter 414, RSMo. (Note: Tanks manufactured for underground use are also prohibited for above-ground storage tank use.)]

[(26)] (17) Aboveground storage tanks storing alcohols, fuel blending components or additives for motor fuels shall meet the requirements as contained in the NFPA Manuals 30 and 30A, 1996 Editions and the requirements contained in 2 CSR 90-30.050.

[(27)] (18) Each aboveground storage tank shall meet the requirements of the 1996 Edition of NFPA 30A, section 2-4.6.1. An exception may be made for the ninety-five percent (95%) stop-fill requirement if the owner and/or operator of the tank can demonstrate there is adequate protection for the tank to prevent an overfill situation from occurring. Tanks of two thousand (2,000) gallons capacity or less, that are filled from fuel delivery vehicles by hose nozzle, and utilize a manual gaging method, such as a gage stick to determine the tank outage and volume of liquid that can be safely delivered into the tank, are exempt from the requirements of NFPA 30A, section 2-4.6.1. If this method is utilized, the delivery truck operator/driver shall be in attendance and manually operate the delivery nozzle throughout the entire delivery process to insure the tank is not overfilled.

[(28)] (19) All piping, including fiberglass and other non-metallic piping, constructed of low melting point materials shall be installed in conformance with manufacturers instructions. All piping, including fiberglass and other non-metallic piping, constructed of low melting point materials in dispensing devices or open pits or sumps beneath the dispensing device shall be protected from fire exposure. Protection shall be provided by December 31, 2005 by a method that is approved by the director of the Department of Agriculture.

[(29)] (20) The walls and floor of secondary containment structures shall be constructed of earth, steel, concrete or solid masonry that is compatible with the specifications of the product being stored, that is liquid tight and have the ability to contain any released product until corrective action, such as the removal of released product and subsequent cleanup including soil and groundwater, can occur. Cleanup of any released product and contaminated soil, groundwater, etc., shall be in conformance with the Department of Natural Resources environmental regulations. The walls and floor of the containment structure shall be designed to support the gravity load of the storage containers and the hydrostatic loads resulting from a release within the secondary containment structure. Gravel, rock or open cell block structures are not considered to be liquid tight and cannot be used.

[(30)] (21) The drains in all secondary containment facilities shall remain closed at all times except when accumulated water or released/ spilled product is being removed. Water or product shall not be allowed to accumulate within any secondary containment facility, this includes dikes and remote impoundments. Accumulated water and/or product within a secondary containment facility shall be removed and disposed of in manner that is in compliance with applicable rules of the Department of Natural Resources.

[(31)] (22) Storage of products other than petroleum products regulated by Chapter 414, RSMo, except waste oil storage or heating oil for owners use, within a secondary containment facility is prohibited. Any waste oil or heating oil storage tank(s) located within a facility containing regulated products shall meet all of the requirements of regulated product storage tanks. Chemicals and fertilizers shall not be stored within the secondary containment facility.

[(32)] (23) Walls of buildings or other structures cannot be utilized as a wall or common wall for any secondary containment facility.

[(33)] (24) All remote pumping and pressurized piping systems, including aboveground storage tanks systems that produce a gravity head on the dispensing device and piping system, shall be equipped with a listed leak detection device or approved leak detection method that will provide an indication if the dispensing and piping system is not liquid tight. Leak detection may be accomplished by, but not limited to, one (1) or a combination of the following methods:

(A) Installation of an approved listed automatic line leak detector. The leak detector is to be tested at least once annually to insure its proper operation or at such time a problem with the detector is indicated. This also includes an annual pressure test performed on all piping;

(B) Annual pressure testing of the dispensing and piping system, provide and maintain an accurate inventory and reconciliation of all gallons of product received, gallons sold and gallons currently on hand; and

(C) Other method(s) approved by the director.

[(34)] (25) In order to prevent product loss, all locations utilized for the sale of products regulated by Chapter 414, RSMo shall provide and maintain accurate inventory records of all gallons of product received, gallons sold and gallons currently on hand. Such records shall be made available to the director of agriculture or his/her delegated representative within forty-eight (48) hours of request.

[(35)] (26) All persons installing, repairing or servicing appliances, equipment or devices including storage tanks and piping located at any facility utilized for the sale of products regulated by Chapter 414, RSMo, shall be properly trained and experienced in the work, familiar with all safety precautions and shall install, repair and service all appliances, equipment and devices including storage tanks and piping in conformance with all of the requirements of Chapter 414, RSMo and the petroleum inspection rules.

[(36)] (27) No person shall install, repair or service any dispensing device without first having registered with the Department of Agriculture, Petroleum Inspection Program, submitting documentation of properly designed and calibrated testing equipment and proof of training and experience to perform such work. Registration may be revoked if such person does not obtain and maintain testing equipment calibration at least once every two (2) years and/or installs, repairs or services any dispensing device in violation of Chapter 414, RSMo and/or any rules promulgated thereunder.

[(37)] (28) Installation of equipment and devices, such as vending machines and ATMs, that may produce safety hazards by distracting the customer from the dispensing operation, limit ingress and egress to the dispensing area or from electrical components of the equipment or device, or limit visibility to vehicle refueling on islands utilized for the dispensing of petroleum products regulated by Chapter 414, RSMo is prohibited.

AUTHORITY: section 414.142, RSMo 2000. This rule was previously filed as 2 CSR 90-30.010. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Amended: Filed April 8, 1999, effective Nov. 30, 1999. Amended: Filed Nov. 17, 2003, effective May 30, 2004.*

**Original authority: 414.142, RSMo 1987, amended 1993, 1995.*

PUBLIC COST: The proposed amendment will not cost public entities more than five hundred (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to these proposed amendments with Mr. Ronald G. Hayes, Division Director, Weights, Measures and Consumer Protection Division, P.O. Box 630, Jefferson City, MO 65102 or online at Agriculture.MO.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*