

ORDINANCE NO. 2012-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO STORAGE TANKS; AMENDING VARIOUS SECTIONS OF CHAPTER 27, ARTICLE X, "STORAGE TANKS," OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO ENSURE CONSISTENCY WITH STATE REGULATIONS GOVERNING GASOLINE VAPOR RECOVERY SYSTEMS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Environmental Protection and Growth Management Department, and its Pollution Prevention, Remediation and Air Quality Division have requested changes to eliminate the requirement of redundant Stage II vapor recovery systems,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 27-302, "Definitions and reference standards," is hereby amended to read as follows:

Sec. 27-302. Definitions and reference standards.

...

(48) *Integral piping* means on-site piping, including vent piping or ~~s~~Stage II vapor recovery piping, originating or terminating at the regulated storage tank or tanks, that convey hazardous materials. Integral piping includes all valves, elbows, joints, flanges, pumps, and flexible connectors, up to the:

- a. Union of the piping with the dispensing system;
- b. Fill cap or fill valve;

1 c. Forwarding pump used for transferring hazardous materials to a
2 flow-through process tank or an industrial production or
3 manufacturing point of use; or

4 d. First flange or connection within the loading rack containment area.

5 . . .

6 (96) *Submerged filling* means filling of a tanker truck or gasoline dispensing
7 facility storage tank as follows:

8 . . .

9 b. *Gasoline dispensing facility with underground or aboveground tank:*
10 Filling with a drop tube or pipe which extends to within six (6)
11 inches of the tank bottom.

12 . . .

13 Section 2. Section 27-303, "Prohibitions," is hereby amended to read as
14 follows:

15 **Sec. 27-303. Prohibitions.**

16 The following general prohibitions shall apply to this article:

17 . . .

18 ~~(e) No owner/operator of a motor vehicle fuel service station, whose monthly~~
19 ~~output exceeds ten thousand (10,000) gallons in any one (1) calendar~~
20 ~~month after 1991, may transfer or allow the transfer of gasoline to a~~
21 ~~vehicular fuel tank unless the station is equipped with a Stage II vapor~~
22 ~~recovery collection system which will recover at least ninety-five (95)~~
23 ~~percent by weight of the gasoline vapors that are displaced or drawn from~~
24 ~~a vehicular fuel tank during refueling.~~

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underscored type are additions.

1 ~~(f)~~ (e) No gasoline tanker truck or trailer shall be filled at any bulk plant or bulk
2 terminal required by EPGMD to have a vapor recovery system, unless the
3 delivery vessel of the tanker truck or trailer is equipped to receive gasoline
4 by means of submerged filling.

5 ~~(g)~~ (f) No gasoline tanker truck or trailer shall be used to deliver gasoline to one
6 (1) or more gasoline dispensing facilities subject to Stage I vapor control
7 requirements of this article, unless the tanker truck or trailer is equipped to
8 dispense and receive gasoline by means of submerged filling and the
9 vapors displaced from the storage tanks during filling are processed by a
10 vapor recovery system at a bulk plant or bulk terminal.

11 (g) No gasoline dispensing facility shall remove, disconnect, or cease to
12 operate or maintain its Stage II vapor recovery systems without EPGMD
13 approval. No gasoline dispensing facility shall decommission its Stage II
14 vapor recovery systems, unless it is in accordance with section 27-306
15 and in a manner that seals or eliminates all areas of possible liquid and
16 vapor leakage.

17 Section 3. Section 27-304, "Exemptions," is hereby amended to read as
18 follows:

19 **Sec. 27-304. Exemptions.**

20 No license under this article shall be required for the following activities or
21 facilities provided that no sanitary nuisance or any condition adversely affecting the
22 environment or public health is created, and provided that the activity does not violate
23 any applicable provisions of this code, ~~or~~ federal, state, or local government regulation.

24 . . .

1 (p) Any storage tank containing ~~liquid~~ liquefied petroleum (LP) gas;

2 . . .

3 Section 4. Section 27-305, "Notifications and reporting," is hereby amended to
4 read as follows:

5 **Sec. 27-305. Notifications and reporting.**

6 . . .

7 (c) Discharge reporting requirements.

8 (1) Upon discovery of an unreported discharge, the owner or operator shall
9 report the following to the County on Discharge Report Form
10 62-761.900(1) within twenty-four (24) hours or before the close of the
11 County's next business day:

12 a. Results, or receipt of results, of analytical or field tests of surface
13 water or groundwater indicating the presence of contamination by:

- 14 1. A hazardous substance from a UST or AST system;
- 15 2. A hazardous material, other than petroleum products; or
- 16 3. Petroleum products' ~~chemicals~~ contaminants of concern
17 specified in Table ~~V I~~ or ~~VII~~, as applicable, in Chapter 62-~~770~~
18 777, F.A.C.;

19 . . .

20 d. Results of analytical or field tests of soil indicating the presence of
21 contamination by:

- 22 1. A hazardous substance from a UST or AST system;
- 23 2. A hazardous material, other than petroleum products;

24

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1 3. Petroleum products' ~~chemicals~~ contaminants of concern that
2 exceed the lower of direct exposure + residential and
3 leachability ~~Table V~~ based on groundwater criteria cleanup
4 target levels specified in Table ~~IV~~ II in Chapter 62-~~770~~ 777,
5 F.A.C., unless due to a spill or overfill event in a quantity less
6 than that described in subparagraph ~~3 c.~~ c. above; or

7 ...
8 Section 5. Section 27-306, "License and operating requirements," is hereby
9 amended to read as follows:

10 **Sec. 27-306. License and operating requirements.**

11 ...
12 (b) *Storage tank facility license.*

13 ...
14 (3) *Modification of a license:* Prior to the modification activity, ~~An~~ An owner or
15 operator seeking to alter or change EPGMD-approved design, operation,
16 and maintenance or closure/post-closure design of a facility, or installation
17 or upgrading to meet the requirements of section 27-307, including any
18 conditions imposed in the license or license modification, shall apply to
19 EPGMD for approval to modify the license in accordance with EPGMD
20 policy. Certified contractors, that are required to perform construction
21 activities in accordance with section 27-302(a)(11), shall apply to EPGMD
22 and obtain approval to modify the storage tank facility in accordance with
23 section 27-306(b)(1). Acts including, but not limited to, the following
24 constitute modifications to which this section applies:

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- 1 a. The replacement of ~~at least twenty-five (25) percent~~ of underground
2 or aboveground pipes;
- 3 b. The installation, replacement, closure, or repair of any storage tank
4 system, including secondary containment, spill containment,
5 dispenser liner, piping sump;
- 6 c. The addition of any storage tanks(s) or dispensing islands to an
7 existing storage tank facility;
- 8 d. The installation of vapor recovery piping or ~~s~~Stage II type system
9 change;
- 10 e. The field installation or replacement of cathodic protection; and
11 f. The decommissioning of the Stage II vapor recovery systems.

12 . . .

13 (c) *Construction and operation requirements.* The construction and operation
14 of a storage tank facility shall be in accordance with the applicable provisions of the
15 ~~South~~ Broward County Local Amendments to the Florida Fire Prevention Code, the
16 Florida Building Code, the most current version of Chapters 62-252, 62-761, and 62-
17 762, F.A.C., this article, and the code. A storage tank operating approval shall be
18 issued to the owner/operator who has met all the requirements set forth in the
19 construction modification approval/license. This operational approval shall be issued to
20 the owner after the engineer's "as-built" or "record" construction drawings and
21 associated storage tank system tests have been received and reviewed by EPGMD to
22 confirm compliance with the code. The engineer's as-built or record drawings shall be
23 signed and sealed by a professional engineer registered in the State of Florida.

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1 Section 6. Section 27-319, "Vapor recovery," is hereby amended to read as
2 follows:

3 **Sec. 27-319. Vapor recovery.**

4 (a) *Control technology requirements.*

5 (1) *Stage I vapor recovery.*

6 a. The vapor recovery system required by this subsection shall
7 include ~~one (1) or more~~ of the following control methods:

8 1. A vapor-tight line from the storage tank to the delivery vessel
9 and a system that will ensure the vapor line is connected
10 before gasoline can be transferred into the tank and that
11 achieves a ninety-five ~~(95)~~ percent (95%) volumetric
12 efficiency; ~~or, and~~

13 2. A ~~system~~ design conforming with ~~the equipment~~
14 ~~specifications of the~~ EPA document, "Design Criteria for
15 Stage I Vapor Control Systems - Gasoline Service Stations,"
16 dated November 1975, with the exception of attachment A,
17 is hereby adopted and incorporated herein by reference,
18 ~~which will not allow emissions of volatile organic compounds~~
19 ~~in the displaced vapor at a rate greater than 80 mg/liter of~~
20 ~~the gasoline (4.7 grains/gallon) transferred.; and~~

21 3. Piping that is leak-tight and includes pressure-vacuum (PV)
22 vent valve(s) installed on the storage tank vent pipes. The
23 pressure specifications for PV vent valves shall be a positive
24 pressure setting of 2.5 to 6.0 inches of water and a negative

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1 pressure setting of 6.0 to 10.0 inches of water. The total
2 leak rate of all PV vent valves at an affected facility,
3 including connections, shall not exceed 0.17 cubic foot per
4 hour at a pressure of 2.0 inches of water and 0.63 cubic foot
5 per hour at a vacuum of 4.0 inches of water.

6 b. The vapor-laden delivery vessel shall be subject to the following
7 conditions:

- 8 1. The delivery vessel shall be designed and maintained to be
9 vapor-tight at all times except for normal pressure vacuum
10 venting as required by the Federal Department of
11 Transportation or for maintenance, inspection, or gauging.
- 12 2. The vapor-laden delivery vessel shall be refilled only at a
13 bulk gasoline plant or terminal complying ~~the~~ with the most
14 current version of Rules 62-296.509 418 or 62-296.510,
15 F.A.C.

16 c. Compliance schedule

17 Owners and operators of gasoline dispensing facilities subject to
18 this article shall continue to operate and maintain their Stage I
19 vapor recovery systems in compliance with this article. Except for
20 gasoline dispensing facilities with a monthly throughput of less than
21 ten thousand (10,000) gallons, each storage tank facility owner or
22 operator, at the time of installation of a Stage I vapor recovery
23 systems required under section 27-319(a), and every three (3)
24 years thereafter, must comply with the following testing

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1 requirements and provide documentation of these tests upon
2 request by EPGMD:

3 1. California Air Resources Board Vapor Recovery Test
4 Procedure TP-201.1E, Leak Rate and Cracking Pressure of
5 Pressure/Vacuum Vent Valves; and

6 2. California Air Resources Board Vapor Recovery Test
7 Procedure TP-201.3, Determination of 2-Inch WC Static
8 Pressure Performance of Vapor Recovery Systems of
9 Dispensing Facilities.

10 ...

11 (2) *Stage II vapor recovery.*

12 ...

13 (b) *Compliance schedules.*

14 (1) A motor vehicle fuel service station with a previous monthly output of less
15 than ten thousand (10,000) gallons which then exceeds ten thousand
16 (10,000) gallons in any one (1) calendar month, ~~must~~ shall no longer be
17 required to install a Stage II vapor recovery system within six (6) months
18 from the date the threshold was exceeded.

19 ...

20 (3) Gasoline dispensing facilities that have not been required to install Stage
21 II vapor recovery systems through a June 28, 2007, variance issued by
22 Broward County, shall not be required to install, operate, test, or maintain
23 Stage II vapor recovery systems.

24

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1 Section 7. SEVERABILITY.

2 If any portion of this Ordinance is determined by any Court to be invalid, the
3 invalid portion shall be stricken, and such striking shall not affect the validity of the
4 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
5 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
6 or circumstance(s), such determination shall not affect the applicability hereof to any
7 other individual, group, entity, property, or circumstance.

8 Section 8. INCLUSION IN CODE.

9 It is the intention of the Board of County Commissioners that the provisions of
10 this Ordinance shall become and be made a part of the Broward County Code; and that
11 the sections of this Ordinance may be renumbered or relettered and the word
12 "ordinance" may be changed to "section," "article," or such other appropriate word or
13 phrase in order to accomplish such intentions.

14 Section 9. EFFECTIVE DATE.

15 This Ordinance shall become effective as provided by law.

16
17 ENACTED

18 FILED WITH THE DEPARTMENT OF STATE

19 EFFECTIVE
20
21
22

23 DEJ/bjl
10/29/12
StorageTank.Ord.doc
24 #11-424

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