



Department of Environmental Protection

2600 Blair Stone Road ♦ Tallahassee, Florida 32399-2400

DEP Form: 62-761.900(9)

Form Title: Storage Tank Equipment

Registration Form

Effective Date: July 2019

Incorporated in Rule 62-761.850, F.A.C.

Storage Tank System Equipment Registration Form

Fill out completely

General Information

Company Name: Franklin Fueling Systems Contact Name: Brad Fawcett
Company Address: 3760 Marsh Road City, State: Madison, WI Zip: 53718
E-mail: bradley.fawcett@franklinfueling.com Contact Number: 608-838-5650
Product Name: APT Piping System
Model Number(s): XP Product Type: Piping System
Rule(s) citation that registration is being requested within Chapter 62-761 (UST), and/or 62-762 (AST),
62-761.600, 62.7612.601 F.A.C.

F.A.C.: Write a brief description of equipment registration request including product limitations:

APT XP piping system contains highly flexible pipe allowing for extremely easy and flexible installations. The double walled pipe provides extra protection against leakage.

Information Checklist (Choose Yes, No, or N/A - Not Applicable):

	Yes	No	N/A
1. Third-party Certification by a Nationally Recognized Testing Laboratory? (Required)	☒	☐	☐
2. Documentation of third-party evaluation that the equipment meets DEP Rules?	☒	☐	☐
3. Documents included about the qualifications of the Nationally Recognized Testing Laboratory?	☒	☐	☐
4. Technical information and drawings included?	☒	☐	☐
5. Installation instructions included?	☒	☐	☐
6. Annual Operability Testing Requirements (Rules 62-761.500, 62-762.501, & 62-762.502 F.A.C.)?	☒	☐	☐
7. Integrity Testing Requirements (Rules 62-761.700, 62-762.701, & 62-762.702, F.A.C.)?	☒	☐	☐
8. Compatible with fuel blends containing >10% ethanol or >20% biodiesel?	☒	☐	☐
9. Has the product been approved or registered in other countries or states? (If so provide list)	☒	☐	☐
10. Any requirements for company-certified installers or trainers?	☒	☐	☐
11. Was this product(s) previously approved or registered by the Department? If yes, EQ- <u>618</u>	☒	☐	☐
12. Any changes or modifications to the equipment since the last submittal to DEP?	☐	☒	☐

Document Information: Provide supporting documents indicated as "Yes" above including this form via email to Tanknotify@floridadep.gov, or documents can be sent to FDEP, Division of Waste Management, 2600 Blair Stone Road, MS 4560, Tallahassee, FL 32399.

Write a brief description of equipment installation and performance in the U.S.:

Franklin Fueling Systems requires that any contractor installing XP Pipe Systems to undergo classroom and on-site practical training. After successful completion installers must follow manufacturer instructions. In operation the piping system transports fuel from storage tanks to dispensers.

Equipment Registration Certification:

To the best of my knowledge and belief, all information submitted on this form is true, accurate and complete.

Brad Fawcett, Product Certification Engineer

Printed Name and Title

Brad Fawcett

Signature (right click to sign)

Digitally signed by Brad Fawcett
Date: 2022.02.18 15:25:05 -06'00'

02/18/2022

Date

For Department Use Only:

Date Application Received: 02/22/2022 Application complete: Yes: ☒ No: ☐

EQ- 618 Date of complete or incomplete letter sent: 02/22/2022 Date Equipment Requires Renewal: 2/22/2027

Storage tank system equipment requires renewal every 5 years in accordance with subsection 62-761.850(2), F.A.C.

CERTIFICATE OF COMPLIANCE

Certificate Number MH17457
Report Reference MH17457-20050729
Issue Date 2021-MARCH-05

Issued to: FRANKLIN FUELING SYSTEMS INC
3760 MARSH RD
MADISON WI 53718

This certificate confirms that
representative samples of PIPING, FLAMMABLE LIQUID, UNDERGROUND
See addendum page

Have been investigated by UL in accordance with the
Standard(s) indicated on this Certificate.

Standard(s) for Safety: CAN/ULC-S679:2017, Metallic and Nonmetallic
Underground Piping For Flammable and Combustible
Liquids

Additional Information: See the UL Online Certifications Directory at
<https://iq.ulprospector.com> for additional information.

This *Certificate of Compliance* does not provide authorization to apply the UL Mark. Only the UL Follow-Up Services Procedure provides authorization to apply the UL Mark.

Only those products bearing the UL Mark should be considered as being UL Certified and covered under UL's Follow-Up Services.

Look for the UL Certification Mark on the product.



Bruce Mahrenholz, Director North American Certification Program

UL LLC

Any information and documentation involving UL Mark services are provided on behalf of UL LLC (UL) or any authorized licensee of UL. For questions, please contact a local UL Customer Service Representative at <http://ul.com/aboutul/locations/>



CERTIFICATE OF COMPLIANCE

Certificate Number	MH17457
Report Reference	MH17457-20050729
Issue Date	2021-MARCH-05

This is to certify that representative samples of the product as specified on this certificate were tested according to the current UL requirements.

Nonmetallic Underground Piping for Flammable Liquids – Models XP-100-SC, XP-150-SC, XP-175-SC and XP-200-SC Flexible Type Piping for use as Integral Primary/Secondary Pipe System (PS), Normal Vent (NV) or Vapor Recovery (VR) piping for underground fuel transfer applications such as gas stations for motor vehicle (MV) fuels, concentrated fuels (CF), high blend fuels (HB) and aviation and marine fuels (A&M).



Bruce Mahrenholz, Director North American Certification Program

UL LLC

Any information and documentation involving UL Mark services are provided on behalf of UL LLC (UL) or any authorized licensee of UL. For questions, please contact a local UL Customer Service Representative at <http://ul.com/aboutul/locations/>





Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

November 3, 2005

Certified Mail

Return Receipt Requested: 7003 2260 0006 0114 5285

Mr. Dennis A. VanderHoeven
Franklin Fueling Systems
3760 Marsh Road
Madison, WI 53718

RE: DEP Approval of the APT model numbers XP Series piping
systems, File No. EQ-618

Dear Mr. VanderHoeven:

The Bureau of Petroleum Storage Systems has concluded its review of the Equipment Approval requests dated September 28, October 11, October 15, and October 18, 2005, that were submitted for the above referenced equipment pursuant to Rule 62-761.850, Florida Administrative Code (F.A.C.).

Based on the information provided by Franklin Fueling Systems, the Department finds that APT model numbers XP Series piping systems will provide, in conjunction with the conditions below, environmental protection substantially equivalent to that provided by compliance with the requirements established in Rules 62-761.500(8)(b)1, and 62-761.500(8)(e), F.A.C.

Pursuant to Rule 62-761.850, F.A.C., the request for the use of the above referenced products is approved for use in the State of Florida as small diameter piping with secondary containment that is in contact with the soil.

Please be advised that the above referenced Department rules are subject to change. If the above rule standards are modified in the future, this order may be modified or rescinded for future upgrades and installations. Additionally, if it is later determined that the above referenced product(s) do not meet the appropriate performance standards or show a consistent pattern of failure(s), and therefore does not provide substantially equivalent environmental protection, the Department may rescind this order.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("F.S."), within 21 days of

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receipt of this Order. Persons who have filed such a petition may seek to mediate the dispute, and choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing and pursuing mediation are set forth below.

Persons affected by this Order have the following options.

A. If you choose to accept the above decision by the Department about the equipment approval, you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

B. If you choose to challenge the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to resolve any disputes without first filing a petition for hearing or negotiate an agreement to mediate.
3. In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation under section 120.573, F.S., and must negotiate an agreement to mediate within 10 days after the deadline for filing a petition.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), Florida Administrative Code ("F.A.C."), the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the applicant, shall mail a copy of the request to the applicant at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing)

under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the applicant, shall mail a copy of the petition to the applicant, at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsection 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information.

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the name, address of the applicant if different from petitioner;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- e) A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

How to Pursue Mediation

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for hearing). The agreement must contain all the information required by rule 28-106.404, F.A.C. The agreement, signed by all parties, must be received by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000 within 10 days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

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Pursuant to Rule 28-106.404, F.A.C., an agreement to mediate must include the following:

- (i) The name, address, and telephone number of the persons who may attend the mediation (also the DEP file number, and the name and address of the applicant);
- (ii) The name, address, and telephone number of the mediator agreed to by the parties;
- (iii) How the costs and fees associated with the mediation will be allocated (the Bureau of Petroleum Storage Systems will not pay any of the costs of mediation);
- (iv) The agreement of the parties regarding the confidentiality of discussions and documents introduced during mediation to the extent authorized by law;
- (v) The date, time, and place of the first mediation session;
- (vi) The name of the party's representative who shall have authority to settle or recommend settlement; and
- (vii) The signature of the parties.

As provided in section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57, F.S., for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within 21 days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57, F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57, F.S., are resumed.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or mediation settlement.

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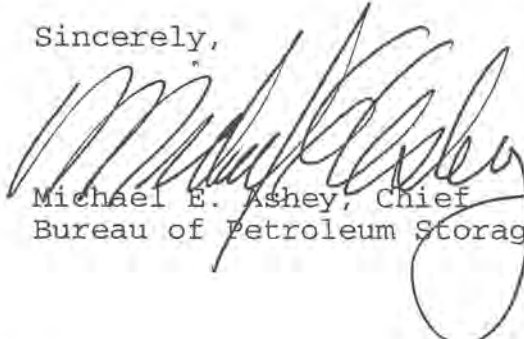
Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your equipment approval should be directed to Farid Moghadam at (850)245-8848. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850)245-2242. Contact with any of the above does not constitute a petition for administrative hearing (or time extension) or agreement to mediate.

Sincerely,


Michael E. Ashe, Chief
Bureau of Petroleum Storage Systems

MEA/fm

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk
(or Deputy Clerk)

11/3/05
Date

EQ-618 Summary
Franklin Fueling Systems

Description of EQ-618

The APT model numbers XP Series piping systems excluding dispenser and sump liners, are Underwriters Laboratory, Inc. (UL), UL 971-listed underground piping systems. The piping system considered as a secondary containment piping. The company has supplied a third party verification from UL certifying that these models have met the requirements of UL 971 for nonmetallic underground piping for flammable liquids. The company has provided technical drawings, and installation instructions. The piping systems are nylon 12-jacketed with inner layers of nylon 12, and Mylar and an outer layer of nylon 12. The APT model numbers XP Series piping system are designed for direct burial. The company will warranty the pipe for 10 years for direct burial and 30 years for installation of the pipe inside a chase. The pipe has been tested to the new UL 971 standards and passed the requirements including the long term immersion testing of the inner and outer pipe. The pipe is listed under new UL 971 listing. The UL has stated that piping has met exposure to for long term immersion. The pipe could be directly buried in a contaminated media.

Statute/Rule Analysis

The APT model numbers XP Series piping systems are certified by UL as equivalent to Rule 62-761.500, F.A.C., requirements since the products meet the minimum requirements for secondary containment underground piping (UL 971). The UL 971 standard is in Rule 62-761.500, F.A.C., so a specific professional certification that the equipment meets the performance standards of Rule 62-761.500, F.A.C. (as per Rule 62-761.850(2), F.A.C.), is unnecessary.

APT requested that the Department keep parts of their equipment approval request confidential because specific material information in the application is trade secrets. In accordance with Florida law, the Department has agreed to keep the specified parts of this file out of the public record.

The Department's previous Final Orders are rescinded since the new Final Order supersedes the previous Orders.

Effects/Risks

Over the past few years, the Department has been made aware of swelling, elongation, and degradation of polyethylene-jacketed piping currently in use in Florida. Some of these problems occur when petroleum products come into contact with polyethylene-jacketed piping in the environment, such as when a site has existing petroleum contamination. Recently, the number of reports associated with polyethylene-jacketed piping reported to the Department by the local contracted counties has risen sharply.

The Department's approval is justified in accordance with Rule 62-761.850(2), F.A.C. APT has provided a third party certification from Underwriters Laboratory, Inc. The APT has changed their design and they are using Nylon 12 instead of polyethylene. Nylon 12 has been used for long term exposure and based upon studies, it has shown great compatibility with petroleum products.