The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

June 18, 2013

H. Curtis Spalding, Regional Administrator
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: State Implementation Plan Revision Submittal for Volatile Organic Compounds Vapor Recovery Rule: Env-Or 500 (formerly Env-A 1205) and Withdrawal of Stage II Vapor Recovery Program

Dear Administrator Spalding:

Pursuant to section 110 of the federal Clean Air Act as amended, the state of New Hampshire hereby submits for approval the subject proposed State Implementation Plan (SIP) revision and one electronic copy thereof. As Governor Hassan's designee, I am requesting EPA's prompt approval of this revision, which consists of the additions and amendments to the rule formerly known as **Env-A 1205,** which was renumbered in this rulemaking to be **Chapter Env-Or 500**, *Recovery of Gasoline Vapors*, and a demonstration that comparable measures have been substituted for Stage II vapor recovery requirements.

The rules currently in the SIP regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The readoption with amendments of these rules was designed to: (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217, which was approved as a SIP revision effective January 7, 2013 (77 Fed. Reg. 66921 (Nov. 8, 2012)); (4) eliminate the requirement that certain gas dispensing facilities install and operate Stage II vapor control systems; and (5) redesignate the rules into the Env-Or (Oil and Remediation) subtitle as Env-Or 500. Some additional recordkeeping, reporting, and testing requirements were also adopted.

As required by the Clean Air Act, New Hampshire has included Stage II controls as an element of its federally-enforceable SIP since 1992. Owners of certain gasoline storage tanks and gasoline dispensing facilities in the ozone nonattainment area of Hillsborough, Merrimack, Rockingham, and Strafford counties were required to install Stage II vapor recovery equipment, which reduces emissions at the pump when vehicles are being refueled. I am asking EPA's approval to phase out these Stage II requirements because (1) the State is now designated as being in attainment of the former and current National Ambient Air Quality Standards (NAAQS) for ozone, and (2) the onboard refueling vapor recovery (ORVR) controls that have been phased in nationally are not fully compatible with vacuum-assist Stage II control systems, which

predominate in New Hampshire. The amended rule no longer requires new or significantly modified gasoline dispensing facilities to install Stage II controls and allows existing Stage II systems to be decommissioned. Facilities that currently have Stage II equipment are required to decommission the equipment by December 22, 2015.

This submittal contains all documentation necessary to satisfy the SIP completeness requirements specified in 40 CFR Part 51, Appendix V.

The enclosed text and Attachment 1 contain technical materials demonstrating compliance with section 184(b)(2) of the Clean Air Act, 42 U.S.C. 7511c(b)(2), which requires states in the Ozone Transport Region, such as New Hampshire, to adopt either Stage II vapor recovery requirements or comparable measures as determined by the EPA.

In addition to the required technical materials, the following administrative materials are included in Attachment 2 for your review:

a. Evidence of the rule's adoption;
b. Evidence of legal authority;
c. A copy of the actual rule;
d. Evidence that all the State's legal requirements were followed in adopting the rule and submitting the SIP revision;
e. Evidence that the public notice was given in accordance with EPA procedures;
f. Certification that, if requested, the public hearing was held in accordance with the public notice; and
g. A compilation of public comments and the State's responses thereto.

One of the requirements of Appendix V is that the documentation include the date of adoption, as well as the effective date, of the rule. In accordance with NH Revised Statutes Annotated (RSA) 541-A:14, a rule takes effect the day after it is filed unless a different date is requested in the letter. The attachments hereto contain a letter from the DES Commissioner to the Director of the Office of Legislative Services (OLS), documenting the adoption of the rule, as well as written documentation from the OLS as to the filing and effective dates of the rule.

Should you have any questions regarding this submittal, please contact Michael Fitzgerald, Technical Services Administrator, at mike.fitzgerald@des.nh.gov or (603) 271-6390, or Barbara L. Hoffman, SIP Planning Manager, at barbara.hoffman@des.nh.gov or (603) 271-7874. Thank you.

Sincerely,

Craig A Wright

Craig A. Wright
Acting Director
Air Resources Division

Enclosures

ec: Dave Conroy, EPA
Anne Arnold, EPA
Ariel Garcia, EPA

STATE OF NEW HAMPSHIRE

State Implementation Plan Revision to Terminate Stage II Vapor Recovery Program

June 18, 2013

New Hampshire Department
of Environmental Services

29 Hazen Drive
P.O Box 95
Concord, NH 03302-0095
www.des.nh.gov

State Implementation Plan Revision to Terminate Stage II Vapor Recovery Program

Background

The Stage II vapor recovery program is required by section 182(b)(3) of the Clean Air Act (CAA), 42 U.S.C. 7511a(b)(3). The CAA directs state or local air pollution control agencies with "moderate" or worse nonattainment areas for ozone national ambient air quality standards (NAAQS) to require Stage II vapor recovery systems (VRS) at gasoline dispensing facilities (GDFs) as a reduction control measure for volatile organic compound (VOC) emissions. However, section 202(a)(6) of the CAA, 42 U.S.C. 7521(a)(6), provides EPA with authority to waive the Stage II requirements of section 182(b)(3) when on-board refueling vapor recovery (ORVR) systems are determined to be in widespread use throughout the motor vehicle fleet.

For the Ozone Transport Region (OTR), which is comprised of eleven states in the northeastern U.S. and the District of Columbia, there are additional requirements in section 184(b)(2) of the CAA, 42 U.S.C. 7511c(b)(2) for:

> (1) EPA to "*complete a study identifying control measures capable of achieving emission reductions comparable to those achievable through vehicle refueling controls contained in section 7511a (b)(3) of this title, and such measures or such vehicle refueling controls shall be implemented in accordance with the provisions of this section*" (referred to as "comparable measures"), and
>
> (2) OTR States to revise their State Implementation Plans (SIP) to require Stage II controls or comparable measures in OTR areas (statewide in NH). The results of the comparable control measures study are provided in *Stage II Comparability Study for the Northeast Ozone Transport Region*[1]. This requirement under section 184(b)(2) is not affected by any future widespread use determination under CAA section 202(a)(6) by the EPA.

Because the Southern and Seacoast areas of New Hampshire's four-county nonattainment area (Hillsborough, Merrimack, Rockingham, and Strafford Counties) were classified as higher-than-moderate for the 1979 one-hour ozone NAAQS, and because the entire state is located in the OTR, Stage II controls were adopted in 1992 as an element of the state's federally enforceable SIP in the four-county nonattainment area. The Stage II requirements were codified in New Hampshire rule Env-A 1205 *Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks* and subsequently approved into the SIP.[2] (Note that New Hampshire identified comparable measures to avoid application of the OTR statewide Stage II requirement in attainment areas.)

Stage II Controls vs. Onboard Refueling

Pursuant to CAA Section 202(a)(6), EPA developed standards for ORVR controls on new light-duty vehicles, which were promulgated and phased in between 1998 and 2002. Vacuum-assist

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[1] *Stage II Comparability Study for the Northeast Ozone Transport Region.* U.S. Environmental Protection Agency. EPA Publication No. EPA-452/R-94-011, January 1995.

[2] See 63 FR 67405 (December 7, 1998).

Stage II control systems, which predominate in New Hampshire, are not fully compatible with ORVR-equipped vehicles. Studies have demonstrated that ORVR controls impact the effectiveness of the vacuum-assist Stage II VRS, resulting in an increase in emissions when compared to the refueling of a non-ORVR-equipped vehicle. Due to the recognized conflict with ORVR technology required by the CAA section 202 (a)(6) on 1998 and newer vehicles and the potential for this conflicting technology to actually increase refueling related emissions as the ORVR-equipped fleet becomes predominant (i.e., in "widespread use")[3], DES now seeks to remove the Stage II requirement as an element of the NH SIP.

DES has determined that, due to the predominance of ORVR-equipped vehicles in the counties where Stage II is in place, vapor recovery controls provide only *de minimis* emission reductions. This benefit will disappear altogether over the next several years as more ORVR-equipped vehicles enter the fleet. Therefore, DES seeks to remove the requirement to install and operate Stage II controls on new or significantly modified GDFs effective immediately, and to require the decommissioning of existing Stage II systems by December 22, 2015. The requirement to pressure test Stage II vapor return piping left in place will remain in effect so as to detect any vapor leakage.

Attainment of the Ozone National Ambient Air Quality Standards

Under CAA section 110(l), EPA cannot approve a SIP revision if it would interfere with attainment of the NAAQS, reasonable further progress (RFP) toward attainment, or any other applicable requirement of the Clean Air Act. Therefore, EPA may propose to approve a SIP revision that removes or modifies Stage II gasoline refueling vapor control measure(s) in the SIP only if there is a basis in the state's submittal for concluding that approval of the revision would not interfere with attainment of the NAAQS, RFP, or any other applicable requirement of the CAA.

New Hampshire is in attainment of the 1997 and 2008 ozone NAAQS. The nonattainment area for the 1997 NAAQS was redesignated to attainment by EPA, effective March 4, 2013 (78 FR 6741 (January 31, 2013)), and EPA designated the entire state unclassifiable/attainment for the 2008 NAAQS, effective July 20, 2012 (77 FR 30088 (May 21, 2012)).

VOC Emissions Estimates and Comparable Measures

To support the proposed withdrawal of the Stage II program in New Hampshire, DES conducted an analysis using the methodology in the EPA document "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures."[4] This document provides calculations and regional data that may be used by states to estimate the loss of area-wide emissions control resulting from the phasing out of the Stage II control program. EPA "believes it is reasonable to conclude that the incremental emissions control that Stage II achieves beyond ORVR is *de minimis* if it is less that 10% of the area-wide emissions inventory associated with refueling highway motor vehicles."[5]

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[3] See *Stage II Vapor Recovery Systems Issues Paper,* U. S. EPA Office of Air Quality Planning and Standards (D243-02) August 12, 2004 at http://www.epa.gov/ttn/naaqs/ozone/ozonetech/stage2/isspaper081204.pdf.

[4] *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures,* U. S. EPA Office of Air Quality Planning and Standards (EPA-457/B-12-001) August 7, 2012.

[5] Ibid.

Equation 1, below, from EPA's guidance demonstrates the overall increment, or the annual area-wide emission control gain from Stage II installations at GDFs as ORVR technology phases in. Using both local and EPA supplied factors, DES calculated that the emission reduction potential loss from removing Stage II is 9.36%, thus meeting EPA's *de minimis* criterion.

Additionally, Equation 2 was used to determine the relative emission reduction provided by ORVR compared to that provided by Stage II alone. DES calculated that the ORVR program provides 14% greater emissions reduction benefits than Stage II alone. The loss in emission reductions from Stage II withdrawal was calculated to be 171 tons per year using Equation 3.

These calculations are summarized below, and supporting documentation is provided in Attachment 1.

Equation 1

$$\textbf{Increment}_{2012} = (Q_{SII})\,(1-Q_{ORVR2012})\,(\eta_{2012\mu SII}) - (Q_{SIIVA})(CF_{2012})$$

Q_{SII} = Fraction of gasoline throughput covered by Stage II

$Q_{ORVR2012}$ = Fraction of gasoline dispensed to ORVR vehicles

$\eta_{2012\mu SII}$ = Stage II in-use control efficiency, current best estimate 0.6 - 0.75[4]

Q_{SIIVA} = Fraction of gasoline throughput dispensed to vacuum assist type Stage II

$CF_{2012} = (0.07645)(VMT_{ORVR2012})$

$VMT_{ORVR2012}$ = Fraction of vehicle miles traveled (VMT) by ORVR-equipped vehicles

Equation 2

$$\textbf{Delta}_{2012} = (Q_{SII})\,(\eta 2012\mu SII) - (QSIIVA)(CF2012) - (Q_{ORVR2012})(\eta orvr)$$

(ηorvr) = In-use control efficiency for ORVR. EPA recommends a value of 0.98[4]

Equation 3

$$\textbf{Tons}_i = (\textbf{Increment}_i)(GC_i)(EF)$$

Increment i = the output of equation 1 for year i

GCi =Projected annual gasoline consumption for year i

EF = The uncontrolled displacement refueling emission factor, g/gal
$\exp[-1.2798 - 0.0049(\Delta T) + 0.0203(Td) + 0.1315(RVP)]$

In addition, the CAA provides that EPA may revise or waive the requirements of section 182(b)(3) for "serious" or worse ozone nonattainment areas after EPA determines that ORVR control systems are in "widespread use" throughout the motor vehicle fleet. EPA recently[6] determined that widespread use will occur in 2013. This further supports the elimination of the Stage II requirement in New Hampshire.

[6] See 77 FR 28772 (May 16, 2012).

Stage II Rule Amendments

Based on the demonstrated lack of significant benefit from Stage II vapor recovery in New Hampshire, DES is requesting approval for withdrawal from the New Hampshire SIP of the existing requirement for Stage II controls found in Env-A 1205 *Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks*. The responsibility for the vapor recovery program was assigned to the Waste Management Division of DES several years ago, and that division recently updated the associated rules, which include Stage I requirements, elimination of the requirement that new GDFs install Stage II systems, and provisions for decommissioning Stage II systems by December 22, 2015. A 30-day public comment period and hearing were held for the revised rules, which were then adopted by the DES Commissioner effective November 17, 2012. The updated rules, renumbered as Chapter Env-Or 500 and renamed *Recovery of Gasoline Vapors*, are included in this submittal for EPA approval. See Attachment 2 for the rules, as well as the administrative materials for the rulemaking and this SIP revision submittal.

ATTACHMENT 1

ATTACHMENT 1

Equation 1

Increment $_{2012}$ = (Q_{SII}) (1-$Q_{ORVR2012}$) ($\eta_{2012\mu SII}$) – (Q_{SIIVA})(CF_{2012})

Q_{SII} = Fraction of gasoline thruput covered by Stage II

= 0.90 Table 2 Values and Information Sources for Analysis Terms[1]

$Q_{ORVR2012}$ = Fraction of gasoline dispensed to ORVR vehicles

= 0.777 Table A1 – Projected Penetration of ORVR in the National Gasoline Fueled Vehicle Fleet by Year, column 4[1]

$\eta_{2012\mu SII}$ = Stage II in-use control efficiency, current best estimate 0.6 - 0.75 [1]

= 0.75

Q_{SIIVA} = Fraction of gasoline thruput dispensed to vacuum assist type Stage II

= 0.93 Table A-6 - Percent of State/Area GDF Dispensers Using Vacuum Assist Stage II Technology (June 2012)[1]

CF_{2012} = (0.07645)($VMT_{ORVR2012}$)

=(0.07645)*(0.8) $VMT_{ORVR2012}$ = Fraction of vehicle miles traveled (VMT) by ORVR-equipped vehicles

= 0.06116 Table A1 – Projected Penetration of ORVR in the National Gasoline Fueled Vehicle Fleet by Year, column 3[1]

= (.9) 0.223 (.75) – (.93) (.0612)

Increment $_{2012}$ = 9.36% ORVR increment is 9.36 percentage points using η2012μSII = 0.75

Increment $_{2012}$ = 6.35% ORVR increment is 6.35 percentage points using η2012μSII = 0.6

The overall *increment* identifies the annual area-wide emission control gain from Stage II installations at GDFs as ORVR technology phases in. Thus, it also indicates the emission reduction potential loss (in year *i*) from removing Stage II.

Equation 2

Delta $_{2012}$ = (Q_{SII}) (η2012μSII) - (QSIIVA)(CF2012) - ($Q_{ORVR2012}$)(ηorvr)

(ηorvr) = 0.98 In-use control efficiency for ORVR. EPA recommends a value of 0.98[8]

(.9) (.75) – (.93) (.0612) – (.777) (.98)

$Delta_{2012}$ = -0.1433388 ORVR control provide 14% greater emission reduction benefits than Stage II alone

Using this equation, the ORVR program provides 14% greater emission reduction benefits than the Stage II control program alone.

Equation 3

$Tons_i = (Increment_i)(GC_i)(EF)$

$Increment_{2012}$ =	9.36%	The incremental percentage impact on the refueling inventory of removing Stage II, the output of equation 1
GC_{2012} =	706,822,000	Projected annual gasoline consumption for New Hampshire in 2012, gal[2]
EF =	2.34215	The uncontrolled displacement refueling emission factor, g/gal exp[-1.2798 - 0.0049(ΔT) + 0.0203(Td) + 0.1315(RVP)] where ΔT= 5.7 Td = 61 RVP= 7 ΔT and Td - Table A-3 - Seasonal Variation in Temperature Difference Between Vehicle Fuel Tank and Dispensed Fuel, annual average for Region 1 and Table A2 – Monthly Average Dispensed Liquid Temperature, annual average for Region 1[1], and RVP = average NH

9.36% (706822000) (2.3422) (.0022) (.0005) /365 days/yr Conversion factors

$Tons_{2012}$ = 0.47 day

0.002202643 = 1 lb/454 g

0.0005 =1 ton/2000 lbs

Using this equation, the overall emissions effect of removing Stage II would be 171 tons per year.

[1] *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures,* U.S. EPA Office of Air Quality Planning and Standards (EPA -457/B-12-001) August 7, 2012

[2] Monthly gasoline reported by States MF33GA Office of Highway Policy Information (OHPI) – Highway Statistics Series

ATTACHMENT 2

EVIDENCE OF THE RULE'S ADOPTION

40 CFR Part 51, Appendix V, 2.1(b)

JILL K. SIEVEKING
ACTING DIRECTOR

STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE
107 NORTH MAIN STREET, ROOM 109
CONCORD, NEW HAMPSHIRE 03301-4951

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LEGAL UNIT

November 19, 2012

Received from Chairman, Department of Environmental Services

the following certified rule(s) filed with the Director of Legislative Services, in accordance with RSA 541-A, the Administrative Procedures Act.

Document #	#10229
Relative to:	Env-Or 500 (formerly Env-Wm 1404) - Recovery of Gasoline Vapors.
Number of Pages:	27
Adopted Date:	11-15-12
Filing Date:	11-16-12
Effective Date:	11-17-12
Expiration Date:	11/17/2022
Notes:	N/A

In all communications with this office concerning the above rule(s), please cite the appropriate document number, as indicated above.

Jill K. Sieveking

Jill K. Sieveking, Acting Director
Office of Legislative Services

TDD Access: Relay NH 1-800-735-2964
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RESEARCH (603) 271-3326
ADMINISTRATIVE RULES (603) 271-3680

EVIDENCE OF LEGAL AUTHORITY

40 CFR Part 51, Appendix V, 2.1(c)

Laws of New Hampshire, RSA 125-C:4
Rulemaking Authority; Subpoena Power

TITLE X
PUBLIC HEALTH

CHAPTER 125-C
AIR POLLUTION CONTROL

Section 125-C:4

125-C:4 Rulemaking Authority; Subpoena Power. –

I. The commissioner shall adopt rules under RSA 541-A, relative to:

(a) The prevention, control, abatement, and limitation of air pollution, including, but not limited to, open air source pollution, mobile source pollution, and stationary source pollution.

(b) Primary and secondary ambient air quality standards.

(c) Procedures to meet air pollution emergencies, as authorized by RSA 125-C:9.

(d) The establishment and operation of a statewide permit system, as authorized by RSA 125-C:6, XIV, RSA 125-C:11, I and RSA 125-C:11, I-a.

(e) Devices, in addition to those devices defined under RSA 125-C:2, subject to the permit requirements of RSA 125-C:11, as authorized by RSA 125-C:11, II.

(f) The exemption of certain devices and non-Title V sources from the permit requirements of RSA 125-C:11, I and the conformance of exempted devices to established standards, as authorized by RSA 125-C:11, I.

(g) The forms and information required on applications for temporary and permanent permits required under RSA 125-C:11, as authorized by RSA 125-C:12, I.

(h) Notification of and public hearing on permit applications, including exemptions from those requirements, as authorized by RSA 125-C:12, II.

(i) Fees for permit application and review, as authorized by RSA 125-C:12, IV-d.

(j) Procedures for permit application review, as authorized by RSA 125-C:11, IV, and criteria for permit denial, suspension or revocation, as authorized by RSA 125-C:13.

(k) Procedures for air testing and monitoring and recordkeeping, as authorized by RSA 125-C:6, XI.

(l) Procedures for receiving violation complaints and for rules enforcement, as authorized by RSA 125-C:15, I.

(m) Procedures for granting variances, as authorized by RSA 125-C:16.

(n) The manufacture, use, or sale of consumer products for purposes of implementing RSA 485:16-c.

(o) Applicability thresholds for emissions of particulate matter, mercury, and dioxin as provided in RSA 125-C:10-b, VII(f).

(p) The duration of time during which no additional best available control technology determination is required as provided in RSA 125-C:10-b, IV and VI.

(q) Procedures for establishing standards for and certification of any material, that is not an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-b.

(r) Standards and testing requirements for biomass and eligible biomass fuel as authorized by RSA 125-C:6, XIV-a.

I-a. In adopting rules under paragraph I, the department may incorporate by reference standards issued by the California air resources board relative to certification and testing of vapor recovery equipment.

I-b. In adopting rules under subparagraph I(n), the department may incorporate by reference other state test methods and procedures that are referenced in the model rules of the Ozone Transport Commission (OTC) concerning consumer products, as defined in RSA 125-C:2, V-c.

II. The commissioner is authorized to issue subpoenas requiring the attendance of such witnesses and the production of such evidence and to administer such oaths and to take such testimony as he may deem necessary.

Source. 1979, 359:2. 1986, 202:8. 1996, 228:19, 104; 278:2, 3. 2001, 293:5. 2003, 137:3. 2004, 175:2, eff. May 27, 2004. 2005, 173:3, eff. June 29, 2005. 2008, 113:3, eff. Aug. 2, 2008. 2010, 183:6, eff. June 21, 2010.

COPY OF THE ACTUAL RULE

40 CFR Part 51, Appendix V, 2.1(d)

The State of New Hampshire
Department of Environmental Services
Thomas S. Burack, Commissioner

Celebrating 25 Years of Protecting New Hampshire's Environment

January 25, 2013

Jill K. Sieveking, Acting Director
Office of Legislative Services
c/o Division of Administrative Rules
25 Capitol Street
State House Annex, Room 219
Concord, New Hampshire 03301-6312

Re: Certification of Env-Or 500
Reference Document #10229

Dear Acting Director Sieveking:

Pursuant to RSA 541-A:15, I-a, I hereby certify that the enclosed rules are the same in substance as the rules originally filed with the Office of Legislative Services, Division of Administrative Rules.

I further certify that the enclosed rules, as edited for format by the Division of Administrative Rules, is the official version of these rules which this agency is required to publish in an 8 ½ x 11 inch loose-leaf format as part of the New Hampshire Code of Administrative Rules, under Chapter 5 of the *New Hampshire Drafting and Procedure Manual for Administrative Rules* and RSA 541-A:15, I.

Sincerely,

Thomas S. Burack
Commissioner

Enclosure

cc: Gretchen Hamel, DES Legal Unit
DES Public Information Center

ec: K. Allen Brooks, Chief, AGO-Environmental Protection Bureau
Barbara Hoffman, DES ARD
Michael Juranty, DES ORCB

CHAPTER Env-Or 500 RECOVERY OF GASOLINE VAPORS

Statutory Authority: RSA 125-C:4, I(a); RSA 125-C:6, II & XIV

REVISION NOTE #1:

Document #5446, effective 8-17-92, adopted a new rule numbered as Part Env-A 1205. The existing rules Env-A 1205, 1206, 1207, 1208, and 1209 were renumbered by Document #5446 as, respectively, Env-A 1206, 1207, 1208, 1209, and 1210. The texts of these 5 rules re- numbered as Env-A 1206 through Env-A 1210 were not part of Document #5446, and the effective dates of these 5 rules were therefore not changed by Document #5446. Thus Document #5446 did not supersede prior filings for the 5 rules re-numbered as Env-A 1206 through Env-A 1210.

Subsequent filings affecting Env-A 1205 were:

#6188, effective 2-22-96, EXPIRED 2-22-04
#8048, INTERIM, effective 2-25-04
#8141, effective 8-21-04

Document #8141, effective 8-21-04, readopted with amendments and renumbered Env-A 1205 as Env-Wm 1404. Document #8141 superseded all prior filings for Env-A 1205.

REVISION NOTE #2:

Document #10229, effective 11-16-12, readopted with amendments and redesignated former Part Env-Wm 1404 entitled Volatile Organic Compounds (VOCs): Gasoline Dispensing Facilities, Bulk Gasoline Plants, and Cargo Trucks as Chapter Env-Or 500 entitled Recovery of Gasoline Vapors pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #10029 supersedes all prior filings for Env-Wm 1404.

The prior filing for former Env-Wm 1404 after Document #8141, effective 8-21-04, was Document #10036, effective 11-29-11, which amended Env-Wm 1404.17. The provisions in Env-Wm 1404 which had not been amended by Document #10036 did not expire on 8-21-12 but were extended pursuant to RSA 541-A:14-a until superseded by rules in Env-Or 500 filed under Document #10229, effective 11-16-12.

PART Env-Or 501 PURPOSE; APPLICABILITY

Env-Or 501.01 Purpose. The purpose of this part is to regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 501.02 Applicability. This chapter shall apply to gasoline storage tanks, gasoline dispensing facilities, and cargo trucks as follows:

(a) Env-Or 503 shall apply to all gasoline storage tanks having a capacity of 250 gallons or greater;

(b) Env-Or 504, Env-Or 506, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any gasoline dispensing facility, including those at airports and marinas, that:

(1) Has any gasoline storage tank with a capacity equal to or greater than 1,100 gallons of gasoline; or

(2) Has a total facility throughput of equal to or greater than 10,000 gallons of gasoline per rolling 30-day period;

(c) Env-Or 505 shall apply to any gasoline dispensing facility that:

(1) Is subject to stage I requirements; and

(2) Meets the criteria specified in Env-Or 505.01(a); and

(d) Env-Or 507, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any cargo truck that delivers gasoline to any gasoline dispensing facility that meets the applicability criteria for stage I as stated in (b), above.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 501.03 Cargo Trucks at Bulk Facilities. The owner or operator of any cargo truck that receives gasoline from a bulk gasoline loading terminal as defined in Env-A 1202.22 or that delivers gasoline to or receives gasoline from a bulk gasoline plant as defined in Env-A 1202.23 shall comply with the vapor recovery requirements in Env-A 1217.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 502 DEFINITIONS

Env-Or 502.01 "2-point system" means a type of stage I system which uses a vapor return connection at the gasoline storage tank or at the manifold that is independent of the fill connection, for which separate connections are made for the gasoline and vapor recovery hoses. This is also known as a "dual-point system."

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.02 "Air contaminant" means "air contaminant" as defined in RSA 125-C:2, II, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.03 "Assist system" means a type of stage II system which uses a vacuum pump to assist the transfer of displaced vapors from a motor vehicle fuel tank into a gasoline storage tank at a gasoline dispensing facility.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.04 "Balance system" means a type of stage II system which relies on a tight seal between the nozzle and the vehicle fill port which causes the displacement and transfer of vapors from a motor vehicle fuel tank into a gasoline storage tank.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.05 "Cargo truck" means any motor vehicle designed or used to transport or deliver gasoline. The term includes "gasoline tank truck" as used in Env-A 1217 and "gasoline cargo tank" as used

in 40 CFR Part 63, Subpart CCCCCC.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.06 "Certified vapor recovery system" means a vapor recovery system that is configured, certified, and operated as specified in the applicable reference standard in Env-Or 509.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.07 "Coaxial system" means a type of stage I system which consists of a tube within a tube, such that gasoline is delivered to the gasoline storage tank through the inner tube and the vapors from the gasoline storage tank are returned via the interstice surrounding the fill tube, with a single coupling servicing both the gasoline and vapor recovery hoses.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.08 "Emission" means "emission" as defined in RSA 125-C:2, VIII, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.09 "Gasoline" means motor fuel containing any petroleum distillate where the Reid vapor pressure of the fuel is greater than 4.0 pounds per square inch (psi).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.10 "Gasoline dispensing facility" means any stationary facility that dispenses gasoline directly into the fuel tank of a motor vehicle, motorized water vessel, or airplane. The term includes all equipment necessary for the purpose, including but not limited to nozzles, dispensers, pumps, vapor return lines, plumbing, and gasoline storage tanks.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.11 "Gasoline storage tank" means any tank used to store gasoline other than a tank that is used as part of the bulk operations at a bulk gasoline loading terminal or bulk gasoline plant.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.12 "Leak free" means a system where no gasoline is leaked while the system is pressurized.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.13 "Lower explosive limit (LEL)" means the lowest concentration of a gas or vapor percentage by volume in air that burns or explodes if an ignition source is present at ambient temperature.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.14 "Manifold" means a device used to interconnect gasoline storage tanks via a tank vent piping system at a gasoline dispensing facility.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.15 "Monthly throughput" means "monthly throughput" as defined in 40 CFR §63.11132, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.16 "Motor vehicle" means an on-road vehicle powered in whole or in part by an internal combustion engine.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.17 "Onboard refueling vapor recovery (ORVR)" means a vapor recovery system required by 40 CFR 86 that is located within a motor vehicle to collect the vapors accumulated in the fuel tank during refueling, as well as new fuel vapors generated during the refueling process, before the fuel vapors escape into the atmosphere.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.18 "ORVR compatible" means, as applied to a stage II system, that the system is designed for use with both ORVR and non-ORVR equipped vehicles.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.19 "Owner or operator" means "owner or operator" as defined in 40 CFR §51.100, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.20 "Poppetted dry break" means a stage I coupling equipped with a poppet valve that prevents vapors in a gasoline storage tank from escaping when a vapor return hose is not connected.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.21 "Pressure/Vacuum (PV) vent cap" means a relief valve installed on a stage I or stage II system that is designed to open at specific pressure and vacuum settings to protect the system from excessive pressure or vacuum.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.22 "Reid vapor pressure" means the absolute vapor pressure as determined by the American Society for Testing and Materials (ASTM), test method D323-08.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.23 "Significant modification" means any construction or alteration of a stage I or stage II system that is not normal upkeep or maintenance.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.24 "Stage I" means the regulatory system that requires the capture of vapors from bulk gasoline transfers.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.25 "Stage I system" means the stage I equipment installed to recover gasoline vapors displaced from a gasoline storage tank during gasoline delivery and feed the vapors back into the cargo truck.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.26 "Stage I equipment" means all components and connections in a stage I system including but not limited to dry breaks, two-point fill adaptors, coaxial fill adaptors, PV vent caps, vent piping, manifold piping, and gasoline storage tanks on which the stage I controls are located.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.27 "Stage II" means the regulatory system that requires the capture of vapors from gasoline transfers from bulk storage to individual motor vehicles.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.28 "Stage II system" means the stage II equipment installed at a gasoline dispensing facility to recover gasoline vapors displaced from a motor vehicle fuel tank during refueling of the motor vehicle and return the vapors to the facility's gasoline storage tank.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.29 "Stage II equipment" means all components and connections in a stage II system including but not limited to vapor return piping, coaxial hoses through which the vapor flows, gasoline nozzles, vapor pumps, and gasoline dispensers, as applicable.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.30 "Submerged fill tube" means a tube used to load or deliver gasoline into a gasoline storage tank where the gasoline discharge is totally submerged throughout the entire gasoline delivery.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.31 "Swivel adaptor" means a device mounted on the fill riser pipe and vapor return riser of a gasoline storage tank that prevents loosening or over-tightening of the adaptor by means of a swivel-type mechanism.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.32 "Test tee fitting" means a branched connection located in the vapor return piping below the dispenser for purposes of testing the vapor return piping.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.33 "Throughput" means the amount of gasoline dispensed by a gasoline dispensing facility.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.34 "Topping off" means attempting to dispense additional gasoline into a motor vehicle fuel tank after a vapor recovery dispensing nozzle has automatically shut off in order to prevent the dispensing of any more gasoline. This term does not include the filling of a motor vehicle fuel tank where the nature and configuration of the vehicle's fill pipe causes the premature shut off of the dispensing nozzle.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.35 "Ullage" means the empty volume of a gasoline storage tank system that contains liquid gasoline. For vapor recovery systems, ullage is expressed as accumulated gallons of empty volume for all of the gasoline storage tanks in a certified vapor recovery system.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.36 "Vapor tight" means equipment or a system where there is no loss of vapors, as determined by ensuring that the concentration of vapors at a potential leak source is not equal to or greater than 100 percent of the LEL when measured with a combustible gas detector, calibrated with hexane or equivalent, at a distance of one inch from the source.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 502.37 "Working days" means calendar days exclusive of weekends and state holidays.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 503 REQUIREMENTS APPLICABLE TO ALL GASOLINE STORAGE TANKS 250 GALLONS OR GREATER

Env-Or 503.01 Submerged Fill Tube Requirements. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Equip the tank with a submerged fill tube;

(b) Install the submerged fill tube so there is a clearance of at least 4 inches but less than 6 inches between the bottom of the tank and the point at which gasoline can first exit the submerged fill tube; and

(c) Use the submerged fill tube whenever fuel is being added to the tank.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 503.02 Gasoline Mishandling Prohibited. No person shall deliberately, recklessly, or negligently mishandle gasoline being delivered to or unloaded from a gasoline storage tank having a capacity equal to or greater than 250 gallons such that gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding onto the ground or into a sewer or storm drain, or storing in an open container.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 503.03 Throughput Recordkeeping Required. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Record daily gasoline throughput volume;

(b) Maintain the records required by (a), above, for not less than 3 years; and

(c) Make such records available for inspection and copying upon written request by the department or the U.S. Environmental Protection Agency (EPA).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 503.04 Required Throughput Reporting.

(a) The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons at a gasoline dispensing facility that has not been subject to stage I requirements shall report throughput information in writing to the department within 30 days of the facility's throughput equaling or exceeding 10,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 504 STAGE I REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Env-Or 504.01 Continuing Applicability of Stage I Requirements For Gasoline Dispensing Facilities. Any gasoline dispensing facility that meets the applicability criteria specified in Env-Or 501.02(b) shall continue to be subject to the stage I requirements even if a reduction in throughput occurs that would otherwise exempt the facility from these requirements.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.02 Stage I Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Install and maintain a stage I system that is a certified vapor recovery system;

(2) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap;

(3) Label each PV vent cap with the cap's rated pressure and vacuum relief setting;

(4) Position the label specified in (3), above, so that it is visible from ground level;

(5) Install a submerged fill tube as specified in Env-Or 503.01;

(6) For a two-point system:

a. Install a poppetted dry break on the vapor return connection; and

b. Equip the poppetted dry break with a properly sealed adaptor cap attached at all times, except when gasoline is being delivered; and

(7) Install a fill adaptor cap with a properly sealed gasket attached at all times, except when gasoline is being delivered.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps on underground gasoline storage tanks and on aboveground gasoline storage tanks as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the 2012 effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.06(b) or (d) in effect immediately prior to the 2012 effective date of this chapter, as reprinted in Appendix D and as applicable, the owner or operator may continue to use the PV vent cap until the earlier of:

(1) Three years from the 2012 effective date of this chapter;

(2) The cap is required to be replaced pursuant to Env-Or 504.05(c)(2); or

(3) Stage I testing is required pursuant to one of the conditions of Env-Or 504.07(a).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.03 Stage I System Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Operate the stage I system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(2) Operate all stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(3) Use the installed submerged fill tube to fill the tank.

(b) No person shall transfer or allow the transfer of gasoline into a gasoline storage tank at a gasoline dispensing facility that is subject to this part unless the tank is equipped with an operational stage I certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any gasoline vapors captured by a stage I system to the atmosphere.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.04 Required Stage I System Inspections and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) Conduct monthly maintenance inspections of all stage I equipment at the facility as specified in Env-Or 504.05;

(b) Conduct an annual maintenance inspection of all stage I equipment at the facility as specified in Env-Or 504.06;

(c) Maintain stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(d) Maintain all stage I equipment, except PV vent caps, to be leak free and vapor tight.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.05 Stage I System Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 504.04(a) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document each monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Check all vent risers for visible damage and repair as necessary;

(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;

(3) Remove and discard any gasoline, water, or debris present in each spill bucket in accordance with Env-Hw 100-1100;

(4) Check each coaxial fill adaptor cap, 2-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;

(5) If any coaxial fill adaptor cap, 2-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if a gasket is missing or damaged, repair or replace the cap or gasket as applicable;

(6) Replace any failed fill adaptor with a swivel adaptor;

(7) Check each coaxial fill adaptor, 2-point fill adaptor, and dry break adaptor for tightness and tighten with a wrench any adaptor that can be hand rotated; and

(8) For a 2-point system:

a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the valve seat of the adaptor and replace the dry break adaptor with a swivel dry break adaptor if a continuous seal is not present; and

b. Check that the poppet valve depresses evenly across the valve seat of the dry break adaptor and that it reseats properly, and replace the dry break adaptor with a swivel dry break adaptor if either condition is not met.

(d) If the owner of the facility is a political subdivision, a dry break adaptor that does not meet the requirements of (c)(8), above, shall be repaired or replaced with a non-swivel type dry break adaptor if the political subdivision chooses to not pay for a swivel-type adaptor.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.06 Stage I System Annual Maintenance Inspection.

(a) Subject to (e), below, the owner or operator shall perform the annual maintenance inspections required by Env-Or 504.04(b):

(1) No later than September 30 of each calendar year; and

(2) Subject to (b), below, no sooner than 10 months after the prior annual inspection.

(b) If a stage I test is done in lieu of an annual inspection as provided in (e), below, the owner or operator shall perform the next annual maintenance inspection no sooner than 10 months after the stage I test.

(c) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(d) During each annual maintenance inspection, the owner or operator shall:

(1) Perform all inspections and maintenance specified in Env-Or 504.05 for monthly inspections;

(2) Replace or permanently plug each drain valve located in each spill bucket;

(3) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and

(4) Ensure that the submerged fill tube has the clearance specified in Env-Or 503.01(b).

(e) An annual maintenance inspection shall not be required for any calendar year in which the stage I system successfully passes a stage I system test performed as specified in Env-Or 504.07 through Env-Or 504.10 prior to the due date of the annual inspection as specified in (a), above.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.07 Stage I System Testing Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage I system testing as specified in Env-Or 504.08 through Env-Or 504.10:

(1) For tanks at gasoline dispensing facilities having a throughput of 100,000 gallons per month or more, at least once every 3 years; and

(2) For all tanks, within 30 days of:

a. Failing to perform 2 monthly maintenance inspections in accordance with Env-Or 504.05 in any given calendar year;

b. Failing to perform the annual maintenance inspection as required by Env-Or 504.06(a); or

c. Discovering that the stage I system is not functioning as specified in the applicable stage I certification reference standard in Env-Or 509.

(b) The owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing at least 7 working days prior to performing the test of the planned test date, test time, and if applicable, the testing consultant being used.

(c) If the test is being performed pursuant to (a)(1) or (a)(2)c., above, the owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(d) Within 30 days of the completion of each test performed, the owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing of the specific test results, and if a test failed, the specific actions to be taken to correct the problem and the next planned test time and date.

(e) The owner or operator of a gasoline dispensing facility that does not meet all of the criteria for a successful stage I system test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (f), below, retest the stage I system within 30 days of the failed test.

(f) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage I system that failed the original test.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.08 Required Stage I System Test Components. The owner or operator of a gasoline dispensing facility shall ensure that stage I system test procedures consist of the following:

(a) A PV vent cap test for pressure and vacuum as specified in Env-Or 504.09;

(b) A pressure decay test as specified in Env-Or 504.10; and

(c) A submerged fill tube measurement to ensure and document that the requirements of Env-Or 503.01(b) are met.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.09 PV Vent Cap Test Procedures, Criteria, and Required Actions.

(a) The PV vent cap test for pressure and vacuum required by Env-Or 504.08(a) shall be conducted in accordance with California Air Resources Board (CARB) Vapor Recovery Test Procedure (TP) 201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, dated October 8, 2003.

(b) To pass the pressure and vacuum tests specified in (a), above, the:

(1) Pressure relief point shall occur between 2.5 to 6.0 inches water column pressure;

(2) The vacuum relief point shall occur between 6.0 to 10.0 inches water column pressure; and

(3) The total leak rate of all PV vent caps at the facility shall not exceed 0.17 cubic feet per hour at a pressure of 2.0 inches water column and 0.63 cubic feet per hour at a vacuum of 4.0 inches water column.

(c) If the PV vent cap fails either the pressure test or the vacuum test as specified in (a) and (b), above, the owner or operator shall replace the PV vent cap with a PV vent cap as specified in Env-Or 504.02(b) that passes the test requirements of (b), above.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.10 Pressure Decay Test Procedures, Criteria, and Required Actions.

(a) The pressure decay test required by Env-Or 504.08(b) shall be performed:

(1) Following the PV vent cap test specified in Env-Or 504.09; and

(2) In accordance with CARB TP-201.3A, as amended April 12, 1996, except that the test shall be performed at 10 inches water column pressure.

(b) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in table 500-1, below:

Table 500-1 Minimum Allowable Pressure

Ullage (gallons)	Minimum Allowable Pressure (inches water column)	Ullage (gallons)	Minimum Allowable Pressure (inches water column)
500	3.70	5,000	9.30
600	4.50	6,000	9.38
700	5.20	7,000	9.46
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,500	7.50	12,000	9.64
1,750	7.90	13,000	9.66
2,000	8.20	14,000	9.68
2,250	8.35	15,000	9.70
2,500	8.50	16,000	9.71
2,750	8.60	17,000	9.71
3,000	8.70	18,000	9.72
3,250	8.80	19,000	9.73
3,500	8.90	20,000	9.73
3,750	9.00	21,000	9.74
4,000	9.10	22,000	9.75
4,250	9.15	23,000	9.75
4,500	9.20	24,000	9.76
4,750	9.25	25,000	9.77

(c) If the stage I system does not pass the pressure decay test, the owner or operator shall undertake such repairs as are necessary and retest until the stage I system passes the test.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 504.11 Compliance Schedule for Stage I Systems.

(a) If the throughput of a gasoline dispensing facility that had not previously met the criteria of Env-Or 501.02(b) becomes equal to or greater than 10,000 gallons of gasoline per rolling 30-day period, the owner or operator shall comply with all applicable requirements of this chapter within 180 days after the date the facility becomes subject to this part.

(b) The owner or operator of a gasoline dispensing facility that begins operation after the effective date of this chapter and that meets the criteria of Env-Or 501.02(b) shall comply with all applicable requirements of this chapter upon commencement of operation.

(c) The owner or operator of a gasoline dispensing facility that already is subject to stage I requirements and that undergoes significant modifications to any tank or piping shall comply with all applicable requirements of this chapter as to the complete stage I system, including all modified components, upon completion of the modifications.

(d) If the monthly throughput of a gasoline dispensing facility is 100,000 gallons of gasoline per month or more as of the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the 2012 effective date of this chapter.

(e) If the monthly throughput of a gasoline dispensing facility increases to 100,000 gallons of gasoline per month or more subsequent to the 2012 effective date of this chapter, then:

(1) The owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the throughput becoming equal to or greater than 100,000 gallons of gasoline per month; and

(2) The facility shall continue to be subject to Env-Or 504.07(a)(1) even if a reduction in throughput occurs to below the specified threshold.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 505 STAGE II REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Env-Or 505.01 Applicability of Stage II Requirements.

(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility shall comply with this part in addition to Env-Or 503, Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509 if the facility:

(1) Meets the criteria specified in Env-Or 501.02(b) for a stage I system;

(2) Is located in Hillsborough, Merrimack, Rockingham, or Strafford county;

(3) Does not qualify for an exemption pursuant to Env-Or 505.02; and

(4) Meets one of the following criteria:

a. The facility has a throughput equal to or greater than 35,000 gallons per rolling 30-day period; or

b. The facility was constructed after November 15, 1990, regardless of the amount of throughput.

(b) Once a facility meets the applicability criteria in (a), above, the owner or operator shall continue to be subject to the stage II requirements even if a reduction in throughput occurs to below the threshold specified in (a)(4)a., above.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.02 Exemptions from Stage II Requirements.

(a) Any gasoline dispensing facility that services only motorized water vessels, airplanes, or agricultural equipment shall be exempt from this part.

(b) The owner or operator of a gasoline dispensing facility that meets the criteria specified in Env-Or 505.01(a)(1), (2), and (4) shall be exempt from the requirements to install and to operate stage II equipment provided that:

(1) Facility construction commences on or after January 1, 2012;

(2) Facility construction commenced prior to January 1, 2012 but stage II equipment had not been installed prior to January 1, 2012; or

(3) The owner or operator decommissions the stage II equipment in accordance with Env-Or 505.03.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.03 Decommissioning Stage II Systems.

(a) Subject to (d), below, the owner or operator of a gasoline dispensing facility equipped with stage II equipment shall decommission the stage II equipment by December 22, 2015 in accordance with this section.

(b) To qualify for an exemption under Env-Or 505.02(b)(3) or to comply with (a), above, the owner or operator shall do the following in the order listed:

(1) Submit a completed notification form as described in Env-Or 506.02 to notify the department of the intent to decommission the stage II equipment;

(2) Conduct a pressure decay test on the stage II vapor return piping as specified in Env-Or 505.11 and Env-Or 505.12 within 30 days prior to the scheduled decommissioning of the stage II equipment;

(3) Decommission the stage II system in accordance with all of the steps listed in the Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping, 2009 edition; and

(4) If the stage II vapor return piping did not pass the pressure decay test even after retesting in accordance with Env-Or 505.10(b), permanently close the stage II vapor return piping as specified in Env-Wm 1401.18(g)(2) or successor rule in subtitle Env-Or.

(c) Any owner or operator who decommissions stage II vapor recovery equipment shall continue to comply with the pressure decay and PV vent cap pressure and vacuum testing requirements of Env-Or 505.10 through Env-Or 505.12 for all equipment that remains in place, including any stage II vapor return piping that remains connected at the tank.

(d) The requirement to decommission a stage II vapor recovery system shall not apply to political subdivisions. If a political subdivision that owns a stage II system chooses to decommission the equipment, such decommissioning shall comply with (b), above.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.04 Stage II Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that meets the criteria of Env-Or 505.01(a) shall:

(1) Install and maintain a stage II system that is a certified vapor recovery system; and

(2) Use a 2-point system at each assist system facility.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the 2012 effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.18(b) in effect immediately prior to the 2012 effective date of this chapter, as reprinted in Appendix D, the owner or operator may continue to use the PV vent cap until the earlier of:

(1) Three years from the 2012 effective date of this chapter;

(2) The cap is required to be replaced pursuant to Env-Or 505.08(c)(1); or

(3) Stage II testing is required pursuant to one of the conditions of Env-Or 505.10(a).

(d) The owner or operator of any stage II equipment that is subject to a dynamic back pressure test as specified in Env-Or 504.12 shall permanently install, at each dispenser, a test tee fitting that is:

(1) Equipped with a plug securely threaded into the branch connection; and

(2) Accessible to allow for testing of the vapor return piping.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.05 Stage II Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall operate the stage II system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher.

(b) No owner or operator of a gasoline dispensing facility that is subject to this part shall transfer or allow the transfer of gasoline from a gasoline storage tank at the facility into a motor vehicle fuel tank unless the facility is operating with a stage II system that is a certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any vapors captured by a stage II vapor recovery system to the atmosphere.

(d) The owner or operator of a gasoline dispensing facility using a stage II system shall post in a conspicuous location in the gasoline dispensing area:

(1) A warning that topping off is prohibited because it could result in spillage or return of gasoline into the gasoline storage tank; and

(2) The department telephone number for reporting difficulties with stage II equipment and equipment malfunctions.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.06 Required Stage II System Inspection and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) For balance systems, conduct daily inspections of each gasoline dispenser nozzle as specified in Env-Or 505.07;

(b) Conduct monthly maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.08;

(c) Conduct annual maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.09;

(d) Maintain stage II equipment as specified by the manufacturer or by the applicable reference standard specified in Env-Or 509; and

(e) With the exception of PV vent caps, maintain stage II equipment to be leak free and vapor tight.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.07 Stage II Balance System Daily Nozzle Inspection Requirements.

(a) The owner or operator shall perform the daily inspection required by Env-Or 505.06(a) for a balance system on each nozzle once per day of facility operation as follows:

(1) Remove the nozzle from its dispenser holder;

(2) Extend the hose to create a straight section of sloping hose section between the high point of the hose and the nozzle;

(3) With the nozzle pointed into a container approved for gasoline storage, pull back the nozzle bellows to open the nozzle vapor valve; and

(4) Drain any residual liquid gasoline out of the vapor portion of the nozzle and hose into the gasoline storage container.

(b) The owner or operator performing the test shall mark the gasoline dispenser nozzle as "Out of Order" with a tag or a bag if the nozzle is not operating as specified in the applicable reference standard in Env-Or 509.

(c) No person shall use or allow the use of equipment marked "Out of Order" until it has been repaired, replaced, or adjusted, as necessary, and retested to ensure it is working properly.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.08 Stage II Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 505.06(b) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document the monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Complete all items required for stage I specified in Env-Or 504.05(c);

(2) For a balance system:

a. Check each hose in and around each dispenser for tears, leaks, holes, or defects of any kind and replace any hoses containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter;

b. Check each nozzle bellow for tears, leaks, holes, or defects of any kind and replace any bellows containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter; and

c. Check each nozzle bellow's faceplate for continuity with a minimum of 75% of the bellows faceplate sealed against the vehicle fill pipe during fueling operation and replace any bellows faceplate not meeting that criterion; and

(3) For an assist system:

a. Check each hose for kinks or crimps and replace all defective sections;

b. Check each nozzle spout for looseness and tighten or replace as necessary;

c. Check each vapor return hole on the nozzle spout for blockage or obstruction and replace the nozzle or spout if the number of unobstructed holes does not meet the requirements for a specific stage II system; and

d. If a splash or vapor guard is required, check each splash or vapor guard for integrity and replace if the guard is missing or damaged.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.09 Stage II System Annual Maintenance Inspection.

(a) Subject to (d), below, the owner or operator shall perform the annual maintenance inspection required by Env-Or 505.06(c) as specified in Env-Or 504.06.

(b) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each annual maintenance inspection, the owner or operator shall perform all inspections and maintenance specified in Env-Or 505.07, if applicable, and Env-Or 504.06(c).

(d) An annual maintenance inspection shall not be required for any calendar year in which the stage II system successfully passes a pressure decay test performed as specified in Env-Or 504.12 prior to the due date of the annual inspection as specified in (a), above.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.10 Required Stage II System Testing.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage II system testing as specified in Env-Or 505.11 and Env-Or 505.12 at least once every 3 years and at the following times:

(1) No later than 15 days after completion of installation of a new stage II system;

(2) No later than 15 days after completion of any significant modification to an existing stage II system;

(3) No later than 15 days after completion of any backfill, pavement, or concrete work around stage II equipment;

(4) Within 90 days prior to the expiration date of any stage II permit issued as provided in Env-Or 505.13; and

(5) No later than 30 days following an inspection that identifies deficiencies in the certified stage II vapor recovery system at the facility.

(b) The owner or operator of a facility that does not meet all of the criteria for a successful test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (c), below, retest the stage II system within 30 days of the failed test.

(c) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage II system that failed the original test.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.11 Stage II System Testing: Scheduling and Notification Requirements.

(a) The owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(b) Prior to initiating a test, the owner or operator shall notify the department in writing of the planned test date, test time, and testing consultant being used, if applicable.

(c) The owner or operator shall send the notice required by (b), above, by letter, fax, or e-mail, so long as the notice is received by the department at least 7 working days in advance of the test date.

(d) Within 30 days of the completion of the test, the owner or operator shall notify the department in writing by fax, letter, or e-mail of the specific test results and data collected during the testing.

(e) The owner or operator shall report any test failure to the department in writing within 24 hours, unless the cause is immediately determined and corrected and the failure did not result in a release of vapors to the environment.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.12 Stage II System Testing Procedures.

(a) In this section:

(1) "TP 201.3A" means CARB TP 201.3A Pressure Decay dated April 12, 1996, except that the test shall be performed at 10 inches water column;

(2) "TP 201.4" means CARB TP 201.4 Dynamic Back pressure dated July 3, 2002; and

(3) "TP 201.5" means CARB TP 201.5 Air to Liquid Ratio (A/L) dated February 1, 2001.

(b) Testing shall be conducted at a facility only if all volumetric liquid gasoline measuring devices at each dispenser have been calibrated in accordance with the requirements of the bureau of weights and measures of the New Hampshire department of agriculture, markets, and food.

(c) The owner or operator shall perform the following specified tests:

(1) For a balance system:

a. The pressure decay test performed in accordance with TP 201.3A; and

b. The dynamic back pressure test performed in accordance with TP 201.4 on each nozzle;

(2) For a bootless nozzle system:

a. The pressure decay test performed in accordance with TP 201.3A;

b. The dynamic back pressure test performed in accordance with TP 201.4 test tee fitting location as described in Env-Or 505.04(c); and

c. The A/L test performed in accordance with TP 201.5;

(3) For Healy Model 400 ORVR compatible booted nozzle system using a central vacuum unit:

a. The pressure decay test performed in accordance with CARB executive order G-70-186 or G-70-187;

b. The Healy vacuum integrity test; and

c. The Healy fillneck vapor pressure regulation fueling test;

(4) For Healy Model 600 bootless or booted nozzle system and Healy Model 800 booted nozzle system with the Healy/Franklin VP 1000 vapor pump or equivalent:

a. The pressure decay test performed in accordance with CARB executive order G-70-191;

b. The dynamic back pressure test in accordance with TP 201.4 at the test tee fitting location described in Env-Or 505.04(c); and

c. The A/L test with a Healy A/L adaptor for booted nozzles performed in accordance with TP 201.5; and

(5) For Healy Model 600 bootless system using a central vacuum unit:

a The pressure decay test performed in accordance with CARB executive order G-70-165;

b. The Healy vacuum integrity test; and

c. The A/L test performed in accordance with TP 201.5.

(d) For any pressure decay test performed in accordance with TP 201.3A, the owner or operator shall ensure, and the individual conducting the pressure decay test shall verify, that there are no product deliveries into or out of any gasoline storage tank within the 3 hours prior to the test or during the performance of the test.

(e) All A/L test equipment shall be calibrated once every 12 months as specified by the manufacturer.

(f) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in Env-Or 504.10(b), table 500-1.

(g) The owner or operator shall verify that PV vent cap pressure and vacuum tests are performed as specified in Env-Or 504.09.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.13 Permit to Operate.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part and to RSA 146-C shall have a valid permit to operate in accordance with RSA 146-C and Env-Wm 1401 or successor rules in subtitle Env-Or.

(b) As part of the application for the permit to operate, the owner or operator of the stage II facility shall submit to the department the following:

(1) A completed stage II vapor recovery notification form; and

(2) The results of all required stage II tests in accordance with Env-Or 505.11(d).

(c) The permit to operate shall be prominently displayed in an area where it can be observed in the normal course of an inspection of the facility.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 505.14 Compliance Schedule for Stage II Systems.

(a) The owner or operator of a gasoline dispensing facility that becomes subject to this part after the effective date of this part shall comply with the requirements of this part within one year after the date the facility becomes subject to stage II requirements.

(b) The owner or operator of a facility that meets the stage II applicability criteria specified in Env-Or 505.01 as of the date it initiates operations shall be in compliance with the requirements of this part prior to commencing operation.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 506 NOTIFICATION AND RECORDKEEPING FOR GASOLINE DISPENSING FACILITIES

Env-Or 506.01 Required Throughput Reporting.

(a) The owner or operator of a gasoline dispensing facility that is subject to Env-Or 504 shall report throughput information in writing to the department within 30 days of the throughput equaling or exceeding 100,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 506.02 Notification Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements shall submit a "Vapor Recovery Notification Form" (VRN form) as described in Env-Or 506.03 to the department as follows:

(1) At least 30 days prior to any construction, installation, or significant modification that affects a stage I system or a stage II system, or both;

(2) Prior to scheduling a stage II test pursuant to Env-Or 505.11 or decommissioning a stage II system as specified in Env-Or 505.03(b)(1);

(3) At least 10 days prior to a change in use of a storage tank from gasoline to non-gasoline or non-gasoline to gasoline; and

(4) Within 10 days after a change of any of the items specified in Env-Or 506.03.

(b) If ownership of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements is transferred, the new owner shall submit a completed VRN form to the department within 10 days of the transfer.

(c) The owner or operator shall sign and date the VRN form.

(d) The signature of the owner or operator shall constitute:

(1) Certification that the information on the VRN form is true and correct to the best of the individual's knowledge and belief; and

(2) Acknowledgement that the individual is subject to the penalties specified in RSA 641:3 for making unsworn false statements.

(e) The department shall, within 30 days of receipt of the VRN form, inform the individual who submitted the VRN form of any deficiencies in the notification.

(f) If the department is not able to determine the effectiveness or design of the equipment or system being constructed, installed, or significantly modified, the department shall request additional information in order to make such determination.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 506.03 Vapor Recovery Notification Form. The Vapor Recovery Notification Form (VRN form) required to be submitted by Env-Or 506.02 shall require the following information:

(a) The name, physical address, mailing address, main telephone number, main fax number, and site number of the gasoline distribution facility;

(b) The name, mailing address, daytime telephone number, fax number, and email address of each owner of the gasoline distribution facility;

(c) The name, mailing address, daytime telephone number, fax number, and email address of the individual who is responsible for:

(1) The stage I system at the gasoline distribution facility; and

(2) If applicable, the stage II system at the gasoline distribution facility;

(d) A description of all stage I equipment at the gasoline distribution facility, including but not limited to the 2-point or coaxial stage I system and, if there is a 2-point system, a statement as to whether the dry break adaptor is located on the manifold or on the tank;

(e) For stage II gasoline distribution facilities:

(1) A description of all stage II equipment, including but not limited to, the type of system and the type of vapor assist; and

(2) Gasoline dispenser information, including but not limited to the number of dispensers and number of nozzles at each dispenser;

(f) The number of gasoline storage tanks at the gasoline distribution facility and for each tank, the size of the tank and the grade of gasoline contained in the tank;

(g) The date when construction, installation, or significant modification of any stage I or stage II equipment at the gasoline distribution facility occurred.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 506.04 Recordkeeping Requirements for Gasoline Dispensing Facilities. The owner or operator of a gasoline dispensing facility that is subject to this chapter shall:

(a) Maintain the following records such that they are available during a department or EPA inspection:

(1) A copy of this chapter;

(2) The records of each monthly maintenance inspection conducted over the prior 3 years as required by Env-Or 504.05 or Env-Or 505.08, as applicable;

(3) The records of each annual maintenance inspection conducted over the prior 3 years as required by Env-Or 504.06 or Env-Or 505.09, as applicable;

(4) A description of all repair work completed as a result of any of the inspections included in (2) or (3), above;

(5) All other information regarding equipment failures, repairs, and maintenance over the prior 3 years that is not included in (4), above; and

(6) A copy of the manual entitled, "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual";

(b) Provide the following records upon request of the department or EPA:

(1) All records of installation of stage I equipment and, if applicable, of stage II equipment;

(2) Bulk liquid receipts;

(3) A copy of each VRN form as described in Env-Or 506.03 completed for the facility; and

(4) For stage II systems:

a. A copy of the facility's current permit to operate, as required by Env-Or 505.13; and

b. Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable; and

(c) Retain the records identified in (a) and (b), above, as specified in table 500-2, below:

Table 500-2: Required Record Retention Periods

Record Required by Env-Or 506.04	Description of Record	Required Retention Period
(a)(1)	The vapor recovery rules, Env-Or 500	Duration of the operating life of the facility
(a)(6)	The "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual"	
(b)(2)	Bulk liquid receipts	Until such time as the equipment is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(2)	A record of each monthly maintenance inspection as specified in Env-Or 504.05 or Env-Or 505.08, as applicable	3 years from date of receipt or completion, as applicable, provided that if the owner or operator has been notified of a pending inquiry into the integrity of the gasoline storage tank(s) at the facility, then until such time as the stage I or stage II equipment, as applicable, is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(3)	A record of each annual maintenance inspection as specified in Env-Or 504.06 or Env-Or 505.09, as applicable	
(a)(4)	A description of all repair work completed as a result of any of the inspections included in (a)(2) or (a)(3)	
(a)(5)	All other information that is relevant to equipment failures, repairs, and maintenance that is not included in (a)(4)	
(b)(1)	All records of installation of stage I equipment and, if applicable, of stage II equipment	
(b)(4)b.	For stage II systems: Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable	
(b)(3)	A copy of each Vapor Recovery Notification Form as described in Env-Or 506.03 completed for the facility	

Record Required by Env-Or 506.04	Description of Record	Required Retention Period
(b)(4)a.	For stage II systems: A copy of the facility's current permit to operate, as required by Env-Or 505.13	Until a new or renewed permit to operate is received

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 507 STAGE I REQUIREMENTS FOR CARGO TRUCKS

Env-Or 507.01 Required Equipment for Cargo Trucks.

(a) The owner or operator of a cargo truck that meets the criteria specified in Env-Or 501.02(d) shall install and maintain a stage I system to serve the cargo truck that is a certified vapor recovery system.

(b) All hoses and stage I equipment on the cargo truck shall be specifically manufactured for use in transferring gasoline or otherwise certified by the manufacturer as compatible with gasoline.

(c) The cargo truck shall be connected during gasoline delivery to a gasoline storage tank using:

(1) For a coaxial system, a separate coaxial coupling with one vapor return hose used for every fill hose in service;

(2) For a 2-point system where the tanks are connected with a manifold, a minimum of one vapor return hose used for every 2 fill hoses in service; and

(3) For a 2-point system where the tanks are not connected with a manifold, a separate vapor recovery connection at each tank being filled.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 507.02 Maintenance Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall maintain stage I equipment as specified by the manufacturer and so as to be leak-free and vapor tight.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 507.03 Operational Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall operate the stage I system to recover at least 95% of all gasoline vapors released from the gasoline tank to which the fuel is being delivered during unloading operations at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher. This standard shall apply to each cargo truck during each applicable gasoline delivery.

(b) During loading of gasoline at a bulk gasoline loading terminal and during loading or unloading of gasoline at a bulk gasoline plant, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed:

(1) A pressure setting of 18.0 inches water column pressure; and

(2) A vacuum setting of 5.9 inches water column vacuum.

(c) During unloading of gasoline at a gasoline dispensing facility, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed a vacuum setting of 5.9 inches water column vacuum.

(d) If a cargo truck does not meet the requirements specified in (b) or (c), above, as applicable, the owner or operator of the cargo truck shall repair and retest the truck within 15 days.

(e) The owner or operator of a cargo truck shall securely fasten all hatches on the truck except when access is needed to take a measurement of gasoline level or perform maintenance activities.

(f) No person shall unload gasoline from any cargo truck to any gasoline storage tank at any gasoline dispensing facility that is subject to Env-Or 504 unless the owner or operator of the facility has installed and is maintaining as operational a certified stage I vapor recovery system.

(g) No person shall deliberately, recklessly, or negligently vent any vapors captured by the stage I system serving a cargo truck to the atmosphere.

(h) No person shall deliberately, recklessly, or negligently mishandle gasoline being loaded to or unloaded from a cargo truck such that the gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding into a sewer or storm drain, or storing in an open container.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 507.04 Testing Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall:

(a) Conduct an annual certification test in accordance with 40 CFR §63.425(e); and

(b) If the cargo truck does not meet the applicable parameters specified in 40 CFR §63.425(e), undertake such repairs as are necessary and retest.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 507.05 Monitoring for Cargo Trucks. The department shall inspect a cargo truck to determine whether the truck is leak tight and vapor tight either:

(a) Upon receipt of information that supports a reasonable conclusion that the truck might not be leak tight and vapor tight, including visual and olfactory information; or

(b) Pursuant to a routine inspection.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 507.06 Treatment of Vapor Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall dispose of the vapors at a bulk terminal equipped with a certified stage I vapor recovery system, using the vapor collection system and vapor destruction methods described in Env-A 1217.06(c).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 507.07 Recordkeeping Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall maintain in the cargo truck at all times the following:

(1) Documentation that the cargo truck has met the requirements of Env-Or 507.04;

(2) Test results for both the pressure and vacuum tests required by Env-Or 507.04; and

(3) Proof of compliance and the date of all tests conducted in accordance with the stage I testing requirements for cargo trucks as stated in this part, which shall be displayed on the cargo truck.

(b) The driver of a cargo truck that is subject to this part shall provide the documents listed in (a), above, upon request of the department or EPA for inspection and copying.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 508 WAIVERS

Env-Or 508.01 Applicability. An owner or operator who wishes to obtain a waiver from any rule in this chapter shall request the waiver as specified in Env-Or 508.02.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 508.02 Waiver Requests.

(a) Each request for a waiver shall be filed in writing by the owner or operator who is seeking the waiver.

(b) The person requesting the waiver shall provide the following information to the department:

(1) The name, mailing address, and daytime telephone number of the requestor and, if available, a fax number and e-mail address of the requestor;

(2) As applicable, the name, physical address, and site number of the facility to which the waiver request relates, or the registration number of the cargo truck to which the waiver would apply;

(3) The specific rule section or paragraph for which a waiver is being requested;

(4) A full explanation of why a waiver is being requested, including an explanation of the consequences of complying with the rule as written;

(5) Whether the need for the waiver is temporary, and if so, the estimated length of time that the waiver will be needed;

(6) If applicable, a full explanation of the alternative that is proposed to be substituted for the

requirement in the rule, including written documentation or data, or both, to support the alternative; and

(7) A full explanation of why the requestor believes that having the waiver granted will meet the criteria in Env-Or 508.03.

(c) The requestor shall sign and date the request.

(d) The signature shall constitute certification that:

(1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and

(2) The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.

(e) The department shall transmit a copy of each waiver request filed in compliance with (a) through (c), above, to EPA within 5 working days of its receipt.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 508.03 Waiver Criteria.

(a) Subject to (b) and (c), below, the department shall grant a waiver if:

(1) Granting a waiver will not result in an adverse impact on the environment, public health, or public safety that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

a. Granting a waiver is consistent with the intent and purpose of the rule being waived; or

b. Strict compliance with the rule will provide no benefit to the public or the environment.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify any state statute, unless a waiver is expressly allowed by the statute that would be waived.

(c) No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

Env-Or 508.04 Decision on Waiver Requests; Conditions.

(a) The department shall notify the requestor of the decision in writing within 60 days of receipt of a request that meets the requirements of Env-Or 508.02.

(b) If the request is denied, the department shall identify the specific reason(s) for the denial.

(c) The department shall include such conditions in a waiver as are necessary to ensure that the criteria of Env-Or 508.03 will be met.

(d) If the need for a waiver is temporary, the waiver shall specify the date on which it will expire.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Or 500) #10229, eff 11-17-12

PART Env-Or 509 REFERENCE STANDARDS

Env-Or 509.01 Reference Standards. A vapor recovery system for an underground or aboveground gasoline storage tank or cargo truck shall be designed, installed, tested, and certified for use in accordance with one or more of the applicable reference standards listed below:

(a) PEI/RP 300-09, "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites", Petroleum Equipment Institute, 2009 edition; and

(b) The CARB executive orders, approval letters, and test methods set forth in table 500-3, below:

Table 500-3: CARB Reference Standards

CARB ID	Description	Date
G – 70 – 2 – G	Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 4 – A	Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/23/77
G – 70 – 5	Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05/06/93
G – 70 – 6	Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04/26/77
G – 70 – 7 – AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03/22/93
G – 70 – 8	Modification of the Certification of the Chevron Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	07/13/77
G – 70 – 9 – A	Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tanks Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G – 70 – 10 – A	Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G – 70 – 14 – AA	Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02/28/83
G – 70 – 17 – AD	Modification of the Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05/06/93
G – 70 – 18 – C	Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System	08/28/79
G – 70 – 20	Modification of the Certification of the Texaco Stage I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/21/78
G – 70 – 23 – AC	Recertification of the Exxon Balance Phase II Vapor Recovery System	04/29/96

CARB ID	Description	Date
G – 70 – 25 – AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 33 – AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03/09/84
G – 70 – 34 – A	Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adaptor for Military Delivery Tanks to Include the Parker Hannifin F428A	08/13/79
G – 70 – 36 – AD	Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/18/92
G – 70 – 37 – B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01/22/80
G – 70 – 38 – AB	Recertification of the Texaco Balance Phase II Vapor Recovery System	12/19/90
G – 70 – 47 – B	Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 48 – AA	Recertification of the Mobile Oil Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 49 – AA	Recertification of the Union Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 50	Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12/05/79
G – 70 – 52 – AM	Certification of the Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery System	11/19/09
G – 70 – 53 – AA	Recertification of the Chevron Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 70 – AC	Certification of the Healy Phase II Vapor Recovery System for Service Stations	06/23/92
G – 70 – 77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/15/82
G – 70 – 78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components	05/20/83
G – 70 – 97 – A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/09/85
G – 70 – 101 – B	Recertification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11/15/85
G – 70 – 102 – A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05/25/93
G – 70 – 106	Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01/27/86
G – 70 – 107	Certification of the rainbow Petroleum Products Model RA3003, RA3005, RA3006, and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05/15/86

CARB ID	Description	Date
G – 70 – 110	Certification of the Stage I and Stage II Vapor Recovery Systems for Methanol Fueling Facilities	01/20/87
G – 70 – 116 – F	ConVault Aboveground Tank Vapor Recovery System	11/30/95
G – 70 – 118 – AB	Certification of the Amoco V-1 Vapor Recovery System	03/31/95
G – 70 – 125 – AA	Modification of the Certification of the Husky Model V Phase II Vapor Recovery Nozzle	03/16/93
G – 70 – 127	Certification of the OPW Model 111-V Phase II Vapor Recovery Nozzle	08/16/90
G – 70 – 128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System	08/27/90
G – 70 – 130 – A	Petrovault Aboveground Tank Vapor Recovery System	02/26/93
G – 70 – 131 – A	Tank Vault Aboveground Tank Vapor Recovery System	03/17/92
G – 70 – 132 – A	Supervault Aboveground Tank Vapor Recovery System	10/16/90
G – 70 – 132 – B	Supervault Aboveground Tank Vapor Recovery System	05/16/95
G – 70 – 134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery Nozzle	12/21/90
G – 70 – 136	FireSafe Aboveground Tank Vapor Recovery System	04/15/91
G – 70 – 137	FuelSafe Aboveground Tank Vapor Recovery System	10/4/91
G – 70 – 139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03/17/92
G – 70 – 140 – A	Integral Phase I and II Aboveground Configurations with the Healy Phase II Vapor Recovery System	07/1/92
G – 70 – 142 – B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09/09/94
G – 70 – 143	P/T Vault Aboveground Tank Vapor Recovery System	08/07/92
G – 70 – 147 – A	Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07/11/96
G – 70 – 148 – A	Lube Cube Aboveground Tank Vapor Recovery System	05/04/95
G – 70 – 150 – AE	Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07/12/00
G – 70 – 152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System	10/31/93
G – 70 – 153 – AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04/03/00
G – 70 – 154 – AA	Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06/10/97
G – 70 – 155	Petroleum Marketing Aboveground Tank Vapor Recovery System	03/12/94
G – 70 – 156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System	05/23/94
G – 70 – 157	Ecovault Aboveground Tank Balance Vapor Recovery System	05/23/94
G – 70 – 158 – A	Firesafe Aboveground Tank Vapor Recovery System	05/24/95
G – 70 – 159 – AB	Modification to the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System	07/17/95

CARB ID	Description	Date
G – 70 – 160	Above Ground Tank Vault Vapor Recovery System	11/09/94
G – 70 – 161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System	11/30/94
G – 70 – 162 – A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System	02/15/95
G – 70 – 163 – AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System	09/04/96
G – 70 – 164 – AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12/10/96
G – 70 – 165	Healy Vacuum Assist Phase II Vapor Recovery System	04/20/95
G – 70 – 167	EnviroVault Aboveground Tank Vapor Recovery System	01/09/96
G – 70 – 168	Bryant Fuel Systems Phase I Vapor Recovery System	10/15/95
G – 70 – 169 – AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08/11/97
G – 70 – 170	Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02/22/96
G – 70 – 175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04/18/96
G – 70 – 177 – AA	Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	06/22/00
G – 70 – 179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System	07/02/97
G – 70 – 180	Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04/17/97
G – 70 – 183 – AA	Language Correction in Existing Executive Order G-70-183 (Healy/Franklin System)	06/29/01
G – 70 – 186	Certification of the Healy Model 400 ORVR Vapor Recovery System	10/26/98
G – 70 – 187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09/13/99
G – 70 – 188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05/18/99
G – 70 – 190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System	10/08/99
G – 70 – 191	Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-1000 Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)	08/08/99
G – 70 – 191 – AA	Language Correction in Existing Executive Order G-70-191 (Healy Model 600 ORVR/800)	09/28/06
G – 70 – 192	Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	11/24/99
G – 70 – 193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	11/07/07
G – 70 – 194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System	05/11/00

CARB ID	Description	Date
G – 70 – 195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System	03/31/00
G – 70 – 196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12/30/00
G – 70 – 197	Synchrotek Fastflo 3 Phase II Vapor Recovery System	06/25/01
G – 70 – 198	Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06/04/01
G – 70 – 199 – AH	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01/23/02
G – 70 – 200	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04/22/02
G – 70 – 201	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04/22/02
G – 70 – 202	Oldcastle Aboveground Below – Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04/22/02
Approval Letter #07-08	Catlow Model CTMVA Cam Twist Breakaway	11/07/07
VR – 101 – B	Phil-Tite Phase I Enhanced Vapor Recovery System with Ball Float Overfill Prevention	07/12/02
VR – 102 – A	OPW Phase I Vapor Recovery System	10/10/02
VR-203-A	Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)	11/05/07
Approval Letter #09-02	Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems	06/01/09
TP-201.1E	Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10/08/03
CP-201	Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities	02/09/05
TP-201.3A	Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities	04/12/96
TP-201.4	Dynamic Back Pressure	07/03/02
TP-201.5	Air to Liquid Volume Ratio	02/01/01

Appendix A: Incorporation by Reference Information

Rule Section	Title	Dated	Obtain at:
Env-Or 504.09(a) and Env-Or 509.01(b)	CARB TP 201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10-03-2008	http://www.arb.ca.gov/testmeth/vol2/tp201.1e_Oct2003.pdf - no cost
Env-Or 504.10(a); Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP 201.3A Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities	04-12-96	http://www.arb.ca.gov/testmeth/vol2/tp201.3a_Apr1996.pdf - no cost
Env-Or 505.03(b) and Env-Or 509.01(a)	Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping	2009	http://pei.org/PublicationsResources/RecommendedPracticesExams/RP300/tabid/101/Default.aspx - purchase for $95.00.
Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP-201.4 Dynamic Back Pressure	07-03-2002	http://www.arb.ca.gov/testmeth/vol2/tp201.4_070302.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP-201.5 Air to Liquid Volume Ratio	02-01-2001	http://www.arb.ca.gov/testmeth/vol2/tp201_5.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-165 Certification of the Healy Vacuum Assist Phase II Vapor Recovery System with the Model 600 Nozzle	04-20-1995	http://www.arb.ca.gov/vapor/eos/eo-165/g70165.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-186 Certification of the Healy Model 400 ORVR Vapor Recovery System	10-26-1998	http://www.arb.ca.gov/vapor/eos/eo-186/g70186.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-187 Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09-13-1999	http://www.arb.ca.gov/vapor/above/g70187.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-191 Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-1000 Vapor Pump Phase II Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)	08-08-1999	http://www.arb.ca.gov/vapor/eos/eo-191/eo-191/191.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 2 – G Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09-18-1984	http://www.arb.ca.gov/vapor/eos/eo-2/2g.pdf - no cost
Env-Or 509.01(b)	G – 70 – 4 – A Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for underground Storage Tanks at Gasoline Service Stations	08-23-1977	http://www.arb.ca.gov/vapor/eos/eo-4/4a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 5 Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05-06-1993	http://www.arb.ca.gov/vapor/eos/g705.pdf - no cost
Env-Or 509.01(b)	G – 70 – 6 Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04-26-1977	http://www.arb.ca.gov/vapor/eos/g706.pdf - no cost
Env-Or 509.01(b)	G – 70 – 7 – AD Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03-22-1993	http://www.arb.ca.gov/vapor/eos/eo-7/7ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 8 Relating to the Certification of the Chevron Vapor Transfer System for Use on Delivery Tanks	07-13-1977	http://www.arb.ca.gov/vapor/eos/g708.pdf - no cost
Env-Or 509.01(b)	G – 70 – 9 – A Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tank Facilities with Throughputs less than 9,000 Gallons per Month	11-18-1977	http://www.arb.ca.gov/vapor/eos/eo-9/9a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 10 – A Relating to the Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11-18-1977	http://www.arb.ca.gov/vapor/eos/eo-10/10a.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 14 – AA Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-14/14aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 17 – AD Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05-06-1993	http://www.arb.ca.gov/vapor/eos/eo-17/g7017ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 18 – C Relating to the Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery Systems	08-28-1979	http://www.arb.ca.gov/vapor/eos/eo-18/18c.pdf - no cost
Env-Or 509.01(b)	G – 70 – 20 Related to the Certification of the Texaco Phase I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08-21-1978	http://www.arb.ca.gov/vapor/eos/g7020.pdf - no cost
Env-Or 509.01(b)	G – 70 – 23 – AC Modification to the Certification of the Exxon Balance Phase II Vapor Recovery System	04-29-1996	http://www.arb.ca.gov/vapor/eos/eo-23/g7023ac.pd - no cost
Env-Or 509.01(b)	G – 70 – 25 – AA Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-25/g7025aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 33 – AB Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03-09-1984	http://www.arb.ca.gov/vapor/eos/eo-33/33ab.pdf - no cost
Env-Or 509.01(b)	G – 70 – 34 – A Relating to the Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adapter for Military Delivery Tanks To Include The Parker Hannifin F428A	08-13-1979	http://www.arb.ca.gov/vapor/eos/eo-34/34a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 36 – AD Modification of Certification of the OPW Balance Phase II Vapor Recovery System	09-18-1992	http://www.arb.ca.gov/vapor/eos/eo-36/g7036ad.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 37 – B Relating to the Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01-22-1980	http://www.arb.ca.gov/vapor/eos/eo-37/37b.pdf - no cost
Env-Or 509.01(b)	G – 70 – 38 – AB Relating to Certification of the Texaco Balance Phase II Vapor Recovery System	12-19-1990	http://www.arb.ca.gov/vapor/eos/eo-38/38ab.pdf - no cost
Env-Or 509.01(b)	G – 70 – 47 – B Relating to the Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09-14-1984	http://www.arb.ca.gov/vapor/eos/eo-47/47b.pdf - no cost
Env-Or 509.01(b)	G – 70 – 48 – AA Recertification of the Mobil Oil Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-48/48aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 49 – AA Recertification of the Union Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-49/49aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 50 Relating to the Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12-05-1979	http://www.arb.ca.gov/vapor/eos/g7050.pdf - no cost
Env-Or 509.01(b)	G – 70 – 52 – AM Certification of Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery System	10-04-1991	http://www.arb.ca.gov/vapor/eos/eo-52/g7052am.pdf - no cost
Env-Or 509.01(b)	G – 70 – 53 – AA Recertification of the Chevron Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-53/53aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 70 – AC Modification of Certification of the Healy Phase II Vapor Recovery System for Gasoline Dispensing Facilities	06-23-1992	http://www.arb.ca.gov/vapor/eos/eo-70/g7070ac.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 77 Relating to the Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09-15-1982	http://www.arb.ca.gov/vapor/eos/g7077.pdf - no cost
Env-Or 509.01(b)	G – 70 – 78 Certification of E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Nozzle Components	05-20-1983	http://www.arb.ca.gov/vapor/eos/g7078.pdf - no cost
Env-Or 509.01(b)	G-70-97-A Stage I Vapor Recovery Systems for Underground Gasoline Storage Tanks at Service Stations	12-09-1985	http://www.arb.ca.gov/vapor/eos/eo-97/97a.pdf - no cost
Env-Or 509.01(b)	G-70-101-B Certification of E-Z Flo Model 3006 and Model 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11-15-1985	http://www.arb.ca.gov/vapor/eos/eo-101/101b.pdf - no cost
Env-Or 509.01(b)	G-70-102-A Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05-25-1993	http://www.arb.ca.gov/vapor/above/g70102a.pdf - no cost
Env-Or 509.01(b)	G-70-106 Relating to the Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01-27-1986	http://www.arb.ca.gov/vapor/eos/g70106.pdf - no cost
Env-Or 509.01(b)	G-70-107 Certification of Rainbow Petroleum Products Model RA3003, RA3005, RA3006 and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05-15-1986	http://www.arb.ca.gov/vapor/eos/g70107.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-110 Certification of Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities	01-20-1987	http://www.arb.ca.gov/vapor/eos/g70110.pdf - no cost
Env-Or 509.01(b)	G-70-116-F Certification of ConVault, Inc. Aboveground Filling/Dispensing Vapor Recovery System	11-30-1995	http://www.arb.ca.gov/vapor/above/g70116f.pdf - no cost
Env-Or 509.01(b)	G-70-118-AB Modification to the Certification of the Amoco Oil Company V-1 Bootless Nozzle Vapor Recovery System	03-31-1995	http://www.arb.ca.gov/vapor/eos/eo-118/eo-118ab/g70118ab.pdf - no cost
Env-Or 509.01(b)	G-70-125-AA Modification to the Certification of the Phase II Vapor Recovery Nozzles	03-16-1993	http://www.arb.ca.gov/vapor/eos/eo-125/125aa.pdf - no cost
Env-Or 509.01(b)	G-70-127 Certification of the OPW Model 111-V Phase II Balance Vapor Recovery Nozzle	08-16-1990	http://www.arb.ca.gov/vapor/eos/g70127.pdf - no cost
Env-Or 509.01(b)	G-70-128 Certification of Bryant Fuel Systems Aboveground Tank Filling/Dispensing Vapor Recovery System	08-27-1990	http://www.arb.ca.gov/vapor/above/g70128.pdf - no cost
Env-Or 509.01(b)	G-70-130-A Certification of Sannipoli Corporation Petro Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	02-26-1993	http://www.arb.ca.gov/vapor/above/g70130a.pdf - no cost
Env-Or 509.01(b)	G-70-131-A Certification of Hallmark Industries Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	03-17-1992	http://www.arb.ca.gov/vapor/above/g70131a.pdf - no cost
Env-Or 509.01(b)	G-70-132-A Certification of Trusco Tank, Inc., Supervault Aboveground Tank Filling/Dispensing Vapor Recovery System	12-04-1992	http://www.arb.ca.gov/vapor/above/g70132a.pdf - no cost
Env-Or 509.01(b)	G-70-132-B Certification of Trusco Tank, Incorporated Supervault Aboveground Filling/Dispensing Vapor Recovery System	05-16-1995	http://www.arb.ca.gov/vapor/above/g70132b.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-134 Certification of the EZ-flo Rebuilt A4000-Series and 11V-Series Vapor Recovery Nozzles	12-21-1990	http://www.arb.ca.gov/vapor/eos/g70134.pdf - no cost
Env-Or 509.01(b)	G-70-136 Certification of Ned Pepper, Incorporated FireSafe Aboveground Tank Filling/Dispensing Vapor Recovery System	04-15-1991	http://www.arb.ca.gov/vapor/above/g70136.pdf - no cost
Env-Or 509.01(b)	G-70-137 Certification of Ace Tank & Equipment Company Aboveground Tank Filling/Dispensing Vapor Recovery System "FuelSafe"	10-04-1991	http://www.arb.ca.gov/vapor/above/g70137.pdf - no cost
Env-Or 509.01(b)	G-70-139 Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03-17-1992	http://www.arb.ca.gov/vapor/g70139.pdf - no cost
Env-Or 509.01(b)	G-70-140-A Certification of Integral Phase I and Phase II Aboveground Tank Configurations Using the Healy Phase II Vapor Recovery System	07-01-1992	http://www.arb.ca.gov/vapor/above/g70140a.pdf - no cost
Env-Or 509.01(b)	G-70-142-B Certification of a Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09-09-1994	http://www.arb.ca.gov/vapor/above/142b-legal.pdf - no cost
Env-Or 509.01(b)	G-70-143 Certification of Teichert Precast P/T Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	08-07-1992	http://www.arb.ca.gov/vapor/above/g70143.pdf - no cost
Env-Or 509.01(b)	G-70-147-A Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07-11-1996	http://www.arb.ca.gov/vapor/eos/eo-147/147a.pdf - no cost
Env-Or 509.01(b)	G-70-148-A Certification of Hoover Containment Systems, Inc. Lube Cube Aboveground Tank Filling/Dispensing Vapor Recovery System	05-04-1995	http://www.arb.ca.gov/vapor/above/g70148a.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-150-AE Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07-12-2000	http://www.arb.ca.gov/vapor/eos/eo-150/eo-150ae/150ae-all.pdf - no cost
Env-Or 509.01(b)	G-70-152 Certification of Moiser Brothers Tanks and Manufacturing Protected Aboveground Gasoline Tank Filling/Dispensing Vapor Recovery System	10-31-1993	http://www.arb.ca.gov/vapor/above/g70152.pdf - no cost
Env-Or 509.01(b)	G-70-153-AD Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04-03-2000	http://www.arb.ca.gov/vapor/eos/eo-153/eo-153ad/153ad-all.pdf - no cost
Env-Or 509.01(b)	G-70-154-AA Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06-10-1997	http://www.arb.ca.gov/vapor/eos/eo-154/eo-54aa/g70154aa.pdf - no cost
Env-Or 509.01(b)	G-70-155 Certification of Petroleum Marketing Services' Aboveground Tank Filling & Dispensing Vapor Recovery Systems	03-12-1994	http://www.arb.ca.gov/vapor/above/g70155.pdf - no cost
Env-Or 509.01(b)	G-70-156 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Vacuum Assist Vapor Recovery System	05-23-1994	http://www.arb.ca.gov/vapor/above/g70156.pdf - no cost
Env-Or 509.01(b)	G-70-157 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Balance Vapor Recovery System	05-23-1994	http://www.arb.ca.gov/vapor/above/g70157.pdf - no cost
Env-Or 509.01(b)	G-70-158-A Certification of San Luis Tank Piping Construction Co., Inc. Firesafe Aboveground Filling/Dispensing Vapor Recovery System	03-24-1995	http://www.arb.ca.gov/vapor/above/g70158a.pdf - no cost
Env-Or 509.01(b)	G-70-159-AB Modification to the Certification of the Saber Nozzle for Use with Specified Phase II Vapor Recovery Systems	07-17-1995	http://www.arb.ca.gov/vapor/eos/eo-59/159ab.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-160 Certification of Above Ground Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	11-09-1994	http://www.arb.ca.gov/vapor/above/g70160.pdf - no cost
Env-Or 509.01(b)	G-70-161 Certification of Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Filling/Dispensing Vapor Recovery System	11-30-1994	http://www.arb.ca.gov/vapor/above/g70161.pdf - no cost
Env-Or 509.01(b)	G-70-162-A Certification of Steel Tank Institute Fireguard Aboveground Tank Filling/Dispensing Vapor Recovery System	03-02-1998	http://www.arb.ca.gov/vapor/above/162-a-legal.pdf - no cost
Env-Or 509.01(b)	G-70-163-AA Modification to the Certification of the OPW VaporEZ Phase II Vapor Recovery System	09-04-1996	http://www.arb.ca.gov/vapor/eos/eo-63/163aa.pdf - no cost
Env-Or 509.01(b)	G-70-164-AA Modification to Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12-10-1996	http://www.arb.ca.gov/vapor/eos/eo-64/164aa.pdf - no cost
Env-Or 509.01(b)	G-70-167 Certification of Bakersfield Tank Company Enviro-Vault Aboveground Filling/Dispensing Vapor Recovery System	01-09-1996	http://www.arb.ca.gov/vapor/above/g70167.pdf - no cost
Env-Or 509.01(b)	G-70-168 Bryant Fuel Systems Phase I Vapor Recovery Systems	10-15-1995	http://www.arb.ca.gov/vapor/above/g70168.pdf - no cost
Env-Or 509.01(b)	G-70-169-AA Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08-11-1997	http://www.arb.ca.gov/vapor/eos/eo-69/169aa.pdf - no cost
Env-Or 509.01(b)	G-70-170 Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02-22-1996	http://www.arb.ca.gov/vapor/eos/g70170.pdf - no cost
Env-Or 509.01(b)	G-70-175 Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04-18-1996	http://www.arb.ca.gov/vapor/above/g70175.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-177-AA Modification of the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	12-09-1999	http://www.arb.ca.gov/vapor/eos/eo-177/eo-177aa/177aa-all.pdf - no cost
Env-Or 509.01(b)	G-70-179 Certification of the Catlow ICVN-VI Vacuum Assist Phase II Vapor Recovery System	07-02-1997	http://www.arb.ca.gov/vapor/eos/eo-179/g70179.pdf - no cost
Env-Or 509.01(b)	G-70-180 Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04-17-1997	http://www.arb.ca.gov/vapor/eos/g70180.pdf - no cost
Env-Or 509.01(b)	G-70-183-AA Relating to Language Correction in Existing Executive Order G-70-183 (Healy Systems, Inc.)	06-29-2001	http://www.arb.ca.gov/vapor/eos/eo-183/eo-183aa/183aa.pdf - no cost
Env-Or 509.01(b)	G-70-188 Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05-18-1999	http://www.arb.ca.gov/vapor/eos/eo-188/g70188.pdf - no cost
Env-Or 509.01(b)	G-70-190 Certification of Guardian Containment, Corporation Armor Cast Aboveground Tank Filling/Dispensing Vapor Recovery System	10-08-1999	http://www.arb.ca.gov/vapor/above/g70190.pdf - no cost
Env-Or 509.01(b)	G-70-191-AA Relating to Language Correction in Existing Executive Order G-70-191 (Healy Systems, Inc.)	07-30-2001	http://www.arb.ca.gov/vapor/eos/eo-191/eo-191aa/191aa.pdf - no cost
Env-Or 509.01(b)	G-70-192 Certification of the Healy Model 400 ORVR Nozzle for Existing Aboveground Storage Tank Systems	11-24-1999	http://www.arb.ca.gov/vapor/above/g70192.pdf - no cost
Env-Or 509.01(b)	G-70-193 Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	12-09-1999	http://www.arb.ca.gov/vapor/above/g70193all.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-194 Certification of Containment Solutions Rectangular and Cylindrical Hoover Vault Aboveground Tank Filling/Dispensing Vapor Recovery Systems	05-11-2000	http://www.arb.ca.gov/vapor/above/g70194.pdf - no cost
Env-Or 509.01(b)	G-70-195 Certification of The Cretex Companies, Inc FuelVault Aboveground Tank Filling/Dispensing Vapor Recovery System	03-31-2000	http://www.arb.ca.gov/vapor/above/g70195.pdf - no cost
Env-Or 509.01(b)	G-70-196 Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12-30-2000	http://www.arb.ca.gov/vapor/eos/eo-196/196-all.pdf - no cost
Env-Or 509.01(b)	G-70-197 Certification of the Synchrotek Fastflo 3 Phase II Vapor Recovery System	06-25-2001	http://www.arb.ca.gov/vapor/above/g70197.pdf - no cost
Env-Or 509.01(b)	G-70-198 Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06-04-2001	http://www.arb.ca.gov/vapor/eos/eo-198/eo-198.pdf - no cost
Env-Or 509.01(b)	G-70-199-AH Relating to Certification of Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01-23-2002	http://www.arb.ca.gov/vapor/eos/eo-199/eo-199ah.pdf - no cost
Env-Or 509.01(b)	G-70-200 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70200.pdf - no cost
Env-Or 509.01(b)	G-70-201 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70201.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-202 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70202.pdf - no cost
Env-Or 509.01(b)	VR-101-B Phil-Tite Phase I Vapor Recovery System With Ball Float Overfill Prevention	07-12-2002	http://www.arb.ca.gov/vapor/eos/eo-vr101/eo-vr101b/vr101b.pdf - no cost
Env-Or 509.01(b)	VR-102-A OPW Phase I Vapor Recovery System	10-10-2002	http://www.arb.ca.gov/vapor/eos/eo-vr102/eo-vr102a/vr102a_final.pdf - no cost
Env-Or 509.01(b)	VR-203-A Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)	11-05-2007	http://www.arb.ca.gov/vapor/eos/eo-vr203/eo-vr203a/vr203a.pdf - no cost
Env-Or 509.01(b)	Approval Letter #07-08 Catlow Model CTMVA Cam Twist Breakaway	11-07-2007	http://www.arb.ca.gov/vapor/approval/cal-07/07-08.pdf - no cost
Env-Or 509.01(b)	Approval Letter #09-02 Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems	06-01-2009	http://www.arb.ca.gov/vapor/approval/cal-09/09-02.pdf - no cost
Env-Or 509.01(b)	CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities	02-09-2005	http://www.arb.ca.gov/testmeth/vol2/cp201_feb2005.pdf - no cost

Appendix B: State and Federal Statutes Implemented

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Appendix C: Definitions from State Statutes and Federal Rules

RSA 125-C:2, II: "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

RSA 125-C:2, VIII: "Emission" means a release into the outdoor air of air contaminants.

40 CFR §63.11132: "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

40 CFR §51.100: "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect."

Appendix D: PV Vent Cap Pressure and Vacuum Requirements in effect immediately prior to the 2012 effective date of this chapter

Env-Wm 1404.06 Stage I Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an underground gasoline storage tank as follows:

(1) For pressure, 13.8 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 0.9 inches water column vacuum (0.5 oz/in^2).

(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:

(1) For pressure, the lower of the following two values:

a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or

b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in^2).

Env-Wm 1404.18 Stage II Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install a stage II system with a PV vent cap setting as follows:

(1) For pressure, 3.0 inches water column pressure (1.7 oz/in^2); and

(2) For vacuum, 8.0 inches water column vacuum (4.6 oz/in^2).

EVIDENCE THAT NEW HAMPSHIRE FOLLOWED ALL PROCEDURAL REQUIREMENTS

40 CFR Part 51, Appendix V, 2.1(e)

REQUEST FOR FISCAL IMPACT STATEMENT

STATE OF NEW HAMPSHIRE

DATE July 30, 2012

FROM Thomas S. Burack
Commissioner

AT (OFFICE) DES

SUBJECT Request for Fiscal Impact Statement

TO Legislative Budget Assistant

In accordance with NH RSA 541-A:5, enclosed please find a Request for Fiscal Impact Statement and a copy of the corresponding administrative rules for the following:

Env-Or 500 (currently Env-Wm 1404): Recovery of Gasoline Vapors

Please fax the Fiscal Impact Statement to Gretchen Hamel at 271-8805.

If you have any questions, please contact Gretchen Hamel at 271-3137.

cc: Gretchen Hamel, Administrator, DES Legal Unit

ec: Mike Juranty, DES WMD ORCB Supervisor

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
REQUEST FOR FISCAL IMPACT STATEMENT (FIS)

FIS Number _____ Rule Number Env-Or 500 (currently Env-Wm 1404)

1. Agency Name & Address:

NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority: RSA 125-C:4, I(a)

3. Federal Authority: 42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

4. Type of Action:

Adoption	
Amendment	
Repeal	
Readoption	
Readoption w/amendment	X
Interim rule	

5. Have the rules expired? Yes ☐ No ☒
Date Expired: _____

6. Short Title: Recovery of Gasoline Vapors

7. Contact Person:

Name:	Gretchen Hamel	Title:	Administrator, Legal Unit
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-3137
		Fax #:	271-8805

(1) Summarize the rule.

The existing rules, Env-Wm 1404, regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with §182(b)(3) and §184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The rules are due to expire on August 21, 2012, and are proposed to be readopted with amendment so as to continue the vapor recovery program. The amendments are primarily intended to (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217; and (4) redesignate the rules into the Env-Or (Oil and Remediation) subtitle. Some additional recordkeeping, reporting, and testing requirements also are proposed. The specific changes that are not strictly for clarity are as follows:

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
1	1404.02(o)	502.12	Definition of "leak free" - deletes allowance for "leak free" to include leakage of up to 3 drops/minute of gasoline when the system is pressurized (*i.e.*, "leak free" will mean "no leaks")
2		503.03	Throughput recordkeeping required: adds requirement for owner/operator (O/O) of any gasoline tank ≥250 gallons to maintain records on throughput volume for not less than 3 years and to provide records to DES or EPA upon request
3		503.04	Required throughput reporting: adds requirement for O/O of any gasoline tank ≥250 gallons to report throughput to DES within 30 days of attaining threshold for stage I regulation
4	1404.06	504.02	Stage I equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
5	1404.08	504.05	Stage I monthly inspections: eliminates option to repair a dry break adaptor that is not a swivel type (must replace with swivel-type adaptor); exception made for political subdivisions due to the cost of swivel-type adaptors
6	1404.11	504.07	Stage I testing: adds requirement for tanks at gasoline dispensing facilities ("GDFs") where throughput is ≥100,000 gallons/ month to test at least once every 3 years; adds requirement for DES to oversee testing if is being done based on volume or failure of system to operate properly
7	1404.12(b)	504.09	PV Vent Caps: replaces listed test procedures with cross-reference to CARB TP 201.1E (NESHAP requirement); replaces criteria for passing test with NESHAP criteria; requires replacement of cap with NESHAP cap if cap fails
8	1404.16	504.11	Compliance schedule for stage I systems: establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years when rules take effect; establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years after rules take effect
9	1404.17(c)-(e)	505.02	Exemptions from stage II requirements: deletes exemption for fleet facilities (never used)
10	1404.17(f)-(i)	505.03	Decommissioning stage II systems: adds requirement (inadvertently omitted when section amended last year) to continue PV vent cap testing
11	1404.18	505.04	Stage II equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years
12	1404.23	505.10	Stage II testing: establishes deadline for testing after backfill, pavement, or concrete work around stage II equipment
13	1404.15(e)	506.01	Required throughput reporting: replaces annual reporting by stage I facilities in "stage II counties" with annual reporting by any stage I facility in any county if meet or exceed threshold for once-every-3-years testing
14	1404.31	507.03	Operational requirements for cargo trucks: adds requirement for O/O to verify that the cargo truck has a back pressure ≤ 5.9 inches water column vacuum when unloading gasoline at a GDF
15		508.02	Waiver requests: adds explicit requirement for waiver requests to be signed
16		508.03	Waiver criteria: adds explicit list of criteria for granting waivers
17	1404.37	509.01	Reference standards: adds 6 references to list of acceptable standards

(2) Is the cost associated with this rule mandated by the rule or by state statute? If the cost is mandated by statute, then the rule itself may not have a cost or benefit associated with it. Please state either the statute or chapter law that is instigating this rule.

Much of the costs are attributable to federal requirements. The proposed rules that include requirements that are not required by federal law and that may have costs associated with them are #3, #5, and #13 in the above chart; the costs are explained in response to (3), below.

The rules are being adopted pursuant to RSA 125-C:4, I(a) to implement RSA 125-C:6, II.

(3) Compare the cost of the proposed rules with the cost of the existing rules, if there is an existing rule.

The costs of the proposed rules may be slightly higher than the existing rules, as follows:

#	Proposed revision	Estimated Change in Cost
3	Adds requirement for owner/operator of any gasoline tank ≥250 gallons to report throughput to DES within 30 days of attaining threshold for stage I regulation	*De minimis* cost to notify DES; O/O can just send an email. (O/Os have always had to comply with Stage I requirements upon attaining the threshold throughput.)

#	Proposed revision	Estimated Change in Cost
5	Eliminates option to repair a dry break adaptor that is not a swivel type (must replace with swivel-type adaptor); political subdivisions can repair or replace with a non-swivel adaptor if choose to not pay for a swivel adaptor	The Department has obtained information that a swivel adaptor costs $200, while a non-swivel adaptor costs $90. The requirement to replace a faulty non-swivel adaptor with a swivel adaptor thus represents an increase of $110 per adaptor. The Department has no data on how frequently adaptors need to be replaced, but estimates that it is infrequent. The Department is not able to estimate the overall cost of this proposed amendment.
13	Replaces annual reporting by stage I facilities in "stage II counties" with annual reporting by any stage I facility in any county if meet or exceed threshold for once-every-3-years testing	*De minimis* cost to report to DES; O/O can just send an email. (The testing itself is a federal requirement.)

(4) Describe the costs and benefits to the state general fund which would result from these rules.

No costs or benefits to the state general fund are expected from the proposed rules.

(5) Explain and cite the federal mandate for the proposed rules, if there is such a mandate. How would the mandate affect state funds?

42 U.S.C. 7511a(b)(3) requires states with moderate ozone nonattainment areas to require all owners or operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles. In addition, 42 U.S.C. 7511c created the Ozone Transport Region, consisting of 12 states, including New Hampshire, and the District of Columbia. These states, regardless of whether or not they have nonattainment areas for ozone, are required to adopt Reasonably Available Control Technology for VOC emissions after EPA issues appropriate guidance. EPA did so for gasoline vapor recovery, requiring New Hampshire to adopt Stage I requirements. In addition to these requirements, EPA adopted a National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities at 40 CFR 63, subpart CCCCCC. This NESHAP is already in effect for state facilities, and the proposed rule reflects those requirements. These federal mandates do not affect state funds.

(6) Describe the cost and benefits to any state special fund which would result.

No costs or benefits to any state special funds are expected from the proposed rules.

(7) Describe the costs and benefits to the political subdivisions of the state.

No costs or benefits to political subdivisions of the state that do not own gasoline dispensing facilities are expected from the proposed rules. Political subdivisions of the state that do own gasoline dispensing facilities are exempted by the rules from the non-federal requirements that would impose costs other than the *de minimis* costs of notifying DES if certain regulatory thresholds are met.

(8) Describe the costs and benefits to the citizens of the state.

No costs or benefits to citizens of the state that do not own gasoline dispensing facilities are expected from the proposed rules. Citizens that do own gasoline dispensing facilities will incur the minimal costs noted above. All citizens will benefit from the continued and improved capture of gasoline vapors, which are volatile organic compounds (VOCs). The mixture of VOC and NOx emissions in the presence of strong sunlight creates ground-level ozone. Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestion, and can worsen bronchitis, emphysema, and asthma. Ground level ozone also can reduce lung function and inflame the linings of the lungs. Repeated exposure may permanently scar lung tissue. Ozone can have pronounced effects even on healthy individuals who work or play outdoors during hot, sunny summer months when levels of smog are usually at their highest. Thus, when fewer VOCs are emitted, less ozone is created, resulting in better health for New Hampshire residents.

(9) Describe the costs and benefits to any independently owned business, including a description of the specific reporting and recordkeeping requirements upon those employing fewer than 10 employees.

No costs or benefits to independently owned businesses that do not own gasoline dispensing facilities are expected from the proposed rules. Businesses that do own gasoline dispensing facilities will incur the minimal costs noted above.

The additional reporting and recordkeeping requirements are described in items #2, #3, and #13 in the chart provided above. These apply to anyone who owns or operates a gasoline dispensing facility that has a gasoline storage tank with a capacity ≥250 gallons regardless of the number of employees.

Change the heading of Env-Wm 1404 and renumber as Env-Or 500 as follows:
~~PART Env-Wm 1404~~ ***CHAPTER Env-Or 500*** ~~VOLATILE ORGANIC COMPOUNDS (VOCs):~~
RECOVERY OF GASOLINE ***VAPORS*** ~~DISPENSING FACILITIES, BULK GASOLINE PLANTS, AND CARGO TRUCKS~~

Statutory Authority: RSA 125-C:4, I(a); RSA 125-C:6, II~~,~~ & XIV~~; RSA 125-C:11, I; RSA 125-C:12, IV~~

Insert a heading for Env-Or 501 as follows:
PART Env-Or 501 PURPOSE; APPLICABILITY

Readopt with amendment Env-Wm 1404.01 through Env-Wm 1404.16, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 501.01 through Env-Or 504.11, to read as follows:

~~Env-Wm 1404~~ ***Env-Or 501***.01 Purpose. The purpose of this part is to regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, ~~bulk gasoline plants,~~ and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended.

~~Env-Wm 1404~~ ***Env-Or 501***.02 ~~Scope~~ ***Applicability***. This ~~part~~ ***chapter*** shall apply to ~~certain~~ gasoline storage tanks, gasoline dispensing facilities, ~~bulk gasoline plants,~~ and cargo trucks~~.~~ ***as follows:***

(a) Env-Or 503 shall apply to all gasoline storage tanks having a capacity of 250 gallons or greater;

~~Env-Wm 1404.05~~ (a***b***) ~~The owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant shall comply with the stage I requirements of Env-Wm 1404.05 through Env-Wm 1404.16 if~~ ***Env-Or 504, Env-Or 506, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any gasoline dispensing facility, including those at airports and marinas, that***:

(1) ~~The~~ ***Has any gasoline storage*** tank ~~has~~ ***with*** a capacity equal to or greater than 1,100 gallons of gasoline; or

(2) ~~The~~ ***Has a*** total ~~annual~~ ***facility*** throughput of ~~the facility or plant is~~ equal to or greater than ~~120,000~~ ***10,000*** gallons of gasoline per ~~year.~~ ***rolling 30-day period;***

(c) Env-Or 505 shall apply to any gasoline dispensing facility that:

(1) Is subject to stage I requirements; and

(2) Meets the criteria specified in Env-Or 505.01(a); and

~~Env-Wm 1404.05~~ (d) ~~The owner or operator of a cargo truck which delivers to a gasoline dispensing facility or bulk gasoline plant shall comply with the stage requirements of Env-Wm 1404.29 through Env-Wm 1404.35 if the~~ ***Env-Or 507, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any*** cargo truck~~:~~ ***that*** ~~(1) D~~***d***elivers gasoline to any gasoline dispensing facility ~~or bulk gasoline plant which~~ ***that*** meets ~~one of~~ the applicability criteria for stage I as stated in ~~Env-Wm 1404.05~~ ***(b), above.***~~; or (2) Receives gasoline from a bulk gasoline plant which meets the applicability criteria for stage I as stated in Env-Wm 1404.05.~~

~~Env-Wm 1404.05(e)~~ ***Env-Or 501.03*** ***Cargo Trucks at Bulk Facilities.*** ~~For~~ ***The owner or operator of a*** ***ny*** cargo truck ~~receiving~~ ***that receives*** gasoline from a bulk gasoline loading terminal as defined in Env-A ~~1204.03(k),~~ ***1202.22 or that delivers gasoline to or receives gasoline from a bulk gasoline plant as defined in Env-A 1202.23*** ~~the owner or operator~~ shall comply with the vapor recovery requirements in Env-A ~~1204.40~~ ***1217***.

PART Env-Or 502 DEFINITIONS

~~Env-Wm 1404.03 Definitions.~~

~~(aj)~~ ***Env-Or 502.01*** "~~Two~~ *2*-point system" means a type of stage I system which uses a vapor return connection at the gasoline storage tank or at the manifold that is independent of the fill connection~~.~~***, for which s***~~S~~eparate connections are made for ~~both~~ the gasoline and vapor recovery hoses. This is also known as a "dual-point system."

~~(a)~~ ***Env-Or 502.02*** "Air contaminant" means "air contaminant" as defined in RSA 125-C:2, II, ~~namely "soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof."~~ ***as reprinted in Appendix C.***

~~(b) "Annual" means a time period from January 1 of a calendar year through December 31 of the same year.~~

~~(c) "Applicant" means a person who requests a permit or other form of license.~~

~~(d)~~ ***Env-Or 502.03*** "Assist system" means a type of stage II system which uses a vacuum pump to assist the transfer of displaced vapors from a motor vehicle ~~gasoline~~ ***fuel*** tank into a gasoline storage tank at a gasoline dispensing facility.

~~(e)~~ ***Env-Or 502.04*** "Balance system" means a type of stage II system which relies on a tight seal between the nozzle and the vehicle fill port which causes the displacement and transfer of vapors from a motor vehicle fuel tank into a gasoline storage tank.

~~(f) "Bulk gasoline plant" means a gasoline storage and distribution facility with a daily throughput of less than 76,000 liters (20,000 gallons) which receives gasoline from bulk terminals by cargo truck, stores gasoline in tanks, and subsequently dispenses gasoline via cargo trucks to local farms, businesses, and gasoline dispensing facilities.~~

~~(g) "Bulk terminal" means a gasoline storage and distribution facility with a daily throughput of greater than 76,000 liters (20,000 gallons) and subsequently dispenses gasoline via cargo truck to a bulk gasoline plant.~~

~~(h)~~ ***Env-Or 502.05*** "Cargo truck" means any motor vehicle designed ***or used to*** ~~for~~ transport~~ing~~ or deliver~~ing~~ gasoline. ***The term includes "gasoline tank truck" as used in Env-A 1217 and "gasoline cargo tank" as used in 40 CFR Part 63, Subpart CCCCCC.***

~~(i)~~ ***Env-Or 502.06*** "Certified vapor recovery system" means a vapor recovery system ***that is*** configured***, certified,*** and operated as specified in ~~Env-Wm 1404.37~~ ***the applicable reference standard in Env-Or 509.***

~~(j)~~ ***Env-Or 502.07*** "Coaxial system" means a type of stage I system which consists of a tube within a tube~~.~~***, such that*** ~~The fill tube, which is submerged in the~~ gasoline ***is delivered to the gasoline*** storage tank~~, delivers the gasoline~~ through the inner tube~~.~~ ***and t***~~T~~he vapors from the gasoline storage tank are returned via the interstice surrounding the fill tube~~.~~***, with a*** ~~A~~ single coupling ~~services~~ ***servicing*** both the gasoline and vapor recovery hoses.

~~(k)~~ ***Env-Or 502.08*** "Emission" means "emission" as defined in RSA 125-C:2, VIII, ~~namely "a release into the outdoor air of air contaminants."~~ ***as reprinted in Appendix C.***

~~(l) "Fleet facility" means a gasoline dispensing facility servicing vehicles owned or operated as a unit, such as a rental car agency.~~

~~(m)~~ ***Env-Or 502.09*** "Gasoline" means motor fuel containing any petroleum distillate where the Reid vapor pressure of the fuel is greater than 4.0 pounds per square inch (psi).

~~(n)~~ ***Env-Or 502.10*** "Gasoline dispensing facility" means any stationary facility ~~which~~ ***that*** dispenses gasoline directly into the fuel tank of a motor vehicle, motorized water vessel, or airplane. ***The term includes all equipment necessary for the purpose, including but not limited to nozzles, dispensers, pumps, vapor return lines, plumbing, and gasoline storage tanks.***

Env-Or 502.11 "Gasoline storage tank" means any tank used to store gasoline other than a tank that is used as part of the bulk operations at a bulk gasoline loading terminal or bulk gasoline plant.

~~(o)~~ ***Env-Or 502.12*** "Leak free" means a system where no ~~more than 3 drops per minute of~~ gasoline is leaked while the system is pressurized.

~~(p)~~ ***Env-Or 502.13*** "Lower explosive limit (LEL)" means the lowest concentration of a gas or vapor percentage by volume in air that burns or explodes if an ignition source is present at ambient temperature.

~~(q)~~ ***Env-Or 502.14*** "Manifold" means ~~the~~ ***a device used to*** interconnect~~ion of~~ gasoline storage tanks via a tank vent piping system at a gasoline dispensing facility.

~~(r)~~ ***Env-Or 502.15*** "Motor vehicle" means an on-road vehicle powered ***in whole or in part*** by an internal combustion engine.

~~(s)~~ ***Env-Or 502.16*** "Onboard refueling vapor recovery (ORVR)" means a vapor recovery system~~,~~ required by 40 CFR 86~~,~~ ***that is*** located within a motor vehicle ~~which~~ ***to*** collect~~s~~ the vapors accumulated in the fuel tank during refueling, as well as new fuel vapors generated during the refueling process, before the fuel vapors escape into the atmosphere.

~~(t)~~ ***Env-Or 502.17*** "ORVR compatible" means***, as applied to*** a stage II system***, that the system is*** designed for use with both ORVR and non-ORVR equipped vehicles.

~~(u)~~ ***Env-Or 502.08*** "Owner or operator" means "owner or operator" as defined in 40 CFR §51.100, namely "any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect."

~~(v)~~ ***Env-Or 502.19*** "Poppetted dry break" means a stage I coupling equipped with a poppet valve ***that*** ~~preventing~~ ***prevents*** vapors in a gasoline storage tank from escaping when a vapor return hose is not connected.

~~(w)~~ ***Env-Or 502.20*** "Pressure/Vacuum (PV) vent cap" means a relief valve installed on a stage I or stage II system ~~and~~ ***that is*** designed to open at specific pressure and vacuum settings to protect the system from excessive pressure or vacuum.

~~(x) "Reid vapor pressure" means the absolute vapor pressure as determined by the American Society for Testing and Materials (ASTM), test method D323-99a.~~

~~(y) "Responsible official" means "responsible official" as defined in 40 CFR §70.2, namely "one of the following:~~

~~(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:~~

~~a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or~~

~~b. The delegation of authority to such representatives is approved in advance by the permitting authority;~~

~~(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;~~

~~(3) For a municipality, State, Federal, or other public agency, either a principal executive officer or ranking elected official. For the purposes of this part [definition], a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or~~
~~(4) For affected sources:~~
~~a. The responsible official in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated there under are concerned; and~~
~~b. The responsible official for any other purposes under [40 CFR] part 70."~~

~~(z)~~ ***Env-Or 502.21*** "Significant modification" means any construction or alteration of a stage I or stage II system ~~other than~~ ***that is not*** normal upkeep or maintenance.

Env-Or 502.22 "Stage I" means the regulatory system that requires the capture of vapors from bulk gasoline transfers.

~~(aa)~~ ***Env-Or 502.23*** "Stage I~~" or "stage I~~ system" means ~~one of the following: (1) For gasoline dispensing facilities and cargo trucks delivering gasoline to the facilities,~~ the stage I equipment installed ~~such that~~ ***to recover*** gasoline vapors displaced from ~~the~~ ***a*** gasoline storage tank ~~are recovered~~ ***during gasoline delivery*** and ~~fed~~ ***feed the vapors*** back into the cargo truck.~~; or (2) For bulk gasoline plants and cargo trucks transferring gasoline at the plants, a closed system that allows for the recovery of vapors displaced during the loading or unloading of gasoline at the plant.~~

~~(ab)~~ ***Env-Or 502.24*** "Stage I equipment" means all components ***and connections*** in a stage I system including but not limited to dry breaks, two-point fill adaptors, coaxial fill adaptors, PV vent caps, vent piping, manifold piping, and gasoline storage tanks on which the stage I controls are located.

Env-Or 502.25 "Stage II" means the regulatory system that requires the capture of vapors from gasoline transfers from bulk storage to individual motor vehicles.

~~(ac)~~ ***Env-Or 502.26*** "Stage II~~" or "stage II~~ system" means the ~~stage I and the~~ stage II equipment installed at a gasoline dispensing facility ~~such that~~ ***to recover*** gasoline vapors displaced from a motor vehicle fuel tank ***during refueling of the motor vehicle*** ~~are recovered into~~ ***and return the vapors to*** the facility's gasoline storage tank~~during refueling of the motor vehicle as configured and operated as specified in Env-Wm 1401.37~~.

~~(ad)~~ ***Env-Or 502.27*** "Stage II equipment" means all components and connections in a stage II system including but not limited to vapor return piping, coaxial hoses through which the vapor flows, gasoline nozzles, vapor pumps, and gasoline dispensers, as applicable.

~~(ae)~~ ***Env-Or 502.28*** "Submerged fill tube" means a tube used to load or deliver gasoline into a gasoline storage tank ~~with a~~ ***where the*** gasoline discharge ~~which~~ is totally submerged ~~during~~ ***throughout*** the ***entire*** gasoline delivery~~to avoid agitation of the gasoline~~.

~~(af)~~ ***Env-Or 502.29*** "Swivel adaptor" means a device mounted on the fill riser pipe and vapor return riser of a gasoline storage tank~~, which~~ ***that*** prevents loosening or over-tightening of the adaptor by means of a swivel-type mechanism.

~~(ag)~~ ***Env-Or 502.30*** "Test tee fitting" means a branched connection located in the vapor return piping below the dispenser for purposes of testing the vapor return piping.

~~(ah)~~ ***Env-Or 502.31*** "Throughput" means the amount of gasoline dispensed by a gasoline dispensing facility~~or bulk gasoline plant~~.

~~(ai)~~ ***Env-Or 502.32*** "Topping off" means attempting to dispense additional gasoline into a motor vehicle fuel tank after a vapor recovery dispensing nozzle has automatically shut off~~, thereby~~ ***in order to***

preventing the dispensing of any more gasoline. This term does not include the filling of a motor vehicle fuel tank where the nature and configuration of the vehicle's fill pipe causes the premature shut off of the dispensing nozzle.

~~(ak)~~ ***Env-Or 502.33*** "Ullage" means the empty volume of ~~the~~ ***a*** gasoline storage tank system ***that*** ~~containing~~ ***contains*** liquid gasoline. For vapor recovery systems, ullage is expressed as accumulated gallons of empty volume for all of the gasoline storage tanks in a certified vapor recovery system.

~~(al)~~ ***Env-Or 502.34*** "Vapor tight" means equipment or a system where there is no loss of vapors, as determined by ensuring that the concentration of vapors at a potential leak source is not equal to or greater than 100 percent of the LEL when measured with a combustible gas detector, calibrated with hexane or equivalent, at a distance of one inch from the source.

Env-Or 502.35 "Working days" means calendar days exclusive of weekends and state holidays.

PART Env-Or 503 REQUIREMENTS APPLICABLE TO ALL GASOLINE STORAGE TANKS 250 GALLONS OR GREATER

~~Env Wm 1404.04~~ ***Env-Or 503.01*** Submerged Fill Tube Requirements. ~~(a)~~ The owner or operator of a gasoline storage tank ~~with~~ ***having*** a capacity equal to or greater than 250 gallons shall:

(~~1~~***a***) Equip the tank with a submerged fill tube;

(~~2~~***b***) Install the submerged fill tube ~~with~~ ***so there is*** a clearance of ***at least 4 inches but less than*** 6 inches between the bottom of the tank and the ~~bottom of~~ ***point at which gasoline can first exit*** the submerged fill tube; and

(~~3~~***c***) ~~Utilize a~~ ***Use the*** submerged fill tube ***whenever fuel is being added*** to ~~fill~~ the tank.

{no other paragraphs in original}

~~Env Wm 1404.10 (c)~~ ***Env-Or 503.02*** ***Gasoline Mishandling Prohibited.*** No person shall deliberately***, recklessly,*** or negligently mishandle gasoline ***being delivered to or unloaded from a gasoline storage tank having a capacity equal to or greater than 250 gallons*** such that ~~it would result in evaporation~~ ***gasoline could evaporate*** into the atmosphere~~.~~***. For purposes of this section, mishandling*** ~~including~~ ***includes*** but ***is*** not limited to spilling, discarding ***onto the ground or*** into a sewer ***or storm drain***, or storing in an open container.

Env-Or 503.03 ***Throughput Recordkeeping Required. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:***

(a) Record gasoline throughput volume;

(b) Maintain the records required by (a), above, for not less than 3 years; and

(c) Make such records available for inspection and copying upon written request by the department or the U.S. Environmental Protection Agency.

Env-Or 503.04 ***Required Throughput Reporting.***

(a) The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons at a gasoline dispensing facility that has not been subject to stage I requirements shall report throughput information in writing to the department within 30 days of the facility's throughput equaling or exceeding 10,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

PART Env-Or 504 STAGE I REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

~~Env-Wm 1404.05~~ ***Env-Or 504.01*** ***Continuing*** Applicability of Stage I Requirements For Gasoline Dispensing Facilities ~~and Bulk Gasoline Plants~~.

{(a) has been moved and renumbered as Env-Or 501.02(b)}

~~(b) Once a~~ ***Any gasoline dispensing*** facility ~~or plant~~ ***that*** meets the applicability criteria specified in ~~(a)(2), above, the owner or operator~~ ***Env-Or 501.02(b)*** shall ***continue to*** be subject to the stage I requirements even if a reduction in ~~annual~~ throughput occurs ~~which~~ ***that*** would otherwise exempt the ~~owner or operator~~ ***facility*** from these requirements.

~~(c) For a gasoline dispensing facility, if the owner or operator is subject to both (a), above, and Env-Wm 1404.17, below, then the owner or operator shall comply with the requirements specified in Env-Wm 1404.17 through Env-Wm 1404.28.~~

{(d) has been moved and renumbered as Env-Or 501.02(d)}
{(e) has been moved and renumbered as Env-Or 501.03}

~~(f) Stage I controls shall be installed to collect vapors during the delivery of gasoline to the storage tank at airports and marinas meeting the applicability requirements in (a), above.~~ *covered by definition of "gasoline dispensing facility" and incorporated into 501.02(b) intro*

~~(g) Within 3 years of the effective date of these rules, the owner or operator of a bulk terminal or a bulk gasoline plant shall comply with stage I requirements in accordance with Env-Wm 1404.05.~~

~~Env-Wm 1404.06~~ ***Env-Or 504.02*** Stage I ~~Physical~~ ***Equipment*** Requirements.

(a) The owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~or a bulk gasoline plant~~ ***that is subject to this part*** shall:

(1) Install~~,~~ ***and*** maintain~~, and operate~~ a stage I system that is a certified vapor recovery system ~~or a department approved alternative as specified in Env-Wm 1404.36~~;

{(a)(2) has been moved and renumbered as Env-Or 504.03(a)(1)}

(~~6~~***2***) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap;

(3) Label each PV vent cap with the cap's rated pressure and vacuum relief setting;

(4) Position the label specified in (3), above, so that it is visible from ground level;

(5) ~~Equip a stage I system with~~ ***Install*** a submerged fill tube as specified in ~~Env-Wm 1404.04~~ ***Env-Or 503.01***;

(~~7~~***6***) For a two-point system:

a. Install a poppetted dry break on the vapor return connection; and

b. Equip the poppetted dry break with a properly sealed adaptor cap attached at all times, except when gasoline is being delivered; and

(~~8~~***7***) Install a fill adaptor cap with a properly sealed gasket attached at all times, except when gasoline is being delivered~~, on the stage I system~~.

(b) Unless otherwise specified ***in an applicable reference standard*** for ~~a~~ ***the installed*** certified vapor recovery system ***and subject to (c), below***, the owner or operator shall install PV vent caps on ~~an~~ underground gasoline storage tank***s and on aboveground gasoline storage tanks*** as follows:

(1) For pressure, ~~13.8~~ ***2.5 to 6.0*** inches water column pressure ~~(8.0 oz/in^2)~~; and

(2) For vacuum, ~~0.9~~ ***6.0 to 10.0*** inches water column vacuum ~~(0.5 oz/in^2)~~.

{(c) moved and renumbered as Env-Or 504.05(c)(6)}

~~(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:~~

~~(1) For pressure, the lower of the following two values:~~

~~a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or~~

~~b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in^2); and~~

~~(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in^2).~~

(c) If a PV vent cap was installed prior to the effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.06(b) or (d) in effect immediately prior to the effective date of this chapter, as reprinted in Appendix E and as applicable, the owner or operator may continue to use the PV vent cap until the earlier of 3 years from the effective date of this chapter or:

(1) The cap is required to be replaced pursuant to Env-Or 504.05(c)(2); or

(2) Stage I testing is required pursuant to one of the conditions of Env-Or 504.07(a).

~~Env-Wm 1404.10~~ ***Env-Or 504.03*** Stage I ***System*** Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

~~Env-Wm 1404.06(a)~~(~~2~~***1***) Operate ~~a~~ ***the*** stage I system to recover at least 95% of all gasoline vapors at the facility or ***to*** be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(2) Operate all stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(3) Use the installed submerged fill tube to fill the tank.

(~~a~~***b***) No person shall transfer or allow the transfer of gasoline into a gasoline storage tank at a gasoline dispensing facility ~~or into or out of a bulk gasoline plant~~ ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** unless the ~~facility or plant~~ ***tank*** is ~~operating~~ ***equipped*** with a***n operational*** stage I ***certified vapor recovery*** system ~~or department approved alternative, as specified in Env-Wm 1404.36~~.

(~~b~~***c***) No person shall deliberately***, recklessly,*** or negligently vent any ~~captured~~ ***gasoline*** vapors ***captured by a stage I system*** to the atmosphere.

{(c) has been moved and renumbered as Env-Or 503.02}

~~Env-Wm 1404.07~~ ***Env-Or 504.04*** ***Required*** Stage I ***System Inspections and*** Maintenance ~~Requirements~~. The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~or a bulk gasoline plant~~ ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** shall:

(~~e~~***a***) Conduct monthly maintenance inspections of all stage I equipment at the facility ~~or plant~~ as specified in ~~Env-Wm 1404.08~~ ***Env-Or 504.05***~~; and~~

(~~d~~*b*) Conduct an annual maintenance inspection of all stage I equipment at the facility ~~or plant~~ as specified in ~~Env-Wm 1404.09.~~ ***Env-Or 504.06;***

(~~a~~*c*) Maintain ~~and properly operate~~ stage I equipment as specified by the manufacturer or ~~Env-Wm 1404~~ ***the applicable reference standard specified in Env-Or 509; and***

(~~b~~*d*) Maintain ***all*** stage I equipment, except PV vent caps, to be leak free and vapor tight~~;~~.

~~Env-Wm 1404.08~~ ***Env-Or 504.05*** Stage I ***System*** Monthly Maintenance Inspections.

(a) The owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility or bulk gasoline plant subject to Env-Wm 1404.05~~ shall perform ***the*** monthly maintenance inspections ***required by Env-Or 504.04(a) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.***

(~~e~~*b*) The owner or operator shall document each monthly maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.15~~ ***Env-Or 506.04.***

(~~b~~*c*) During ~~a~~ ***each*** monthly maintenance inspection, the owner or operator shall:

(1) Check all vent risers for visible damage and repair as necessary;

(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;

(3) Remove and discard~~, in accordance with Env-Wm 1404.10(c) and Env-Ws 421,~~ any gasoline, water, or debris present in each spill bucket ~~as specified in Env-Wm 1401.25~~ ***in accordance with Env-Hw 100-1100***;

(4) Check each coaxial fill adaptor cap, ~~two~~ *2*-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;

(5) If any coaxial fill adaptor cap, ~~two~~ *2*-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if a gasket is missing or damaged, repair or replace the cap or gasket ***as applicable***;

~~Env-Wm 1404.06~~ (~~e~~*6*) ***Replace a*** ~~A~~ny failed fill adaptor ~~shall be replaced~~ with a swivel adaptor~~.~~***;***

(~~6~~*7*) Check each coaxial fill adaptor, ~~two~~ *2*-point fill adaptor, and dry break adaptor for tightness and tighten with a wrench any adaptor that can be hand rotated; and

(~~7~~*8*) For a ~~two~~ *2*-point system:

a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the ~~adaptors~~ valve seat ***of the adaptor*** and ***replace the dry break adaptor with a swivel dry break adaptor*** if a continuous seal is not present~~, repair or replace the dry break adaptor~~; and

b. Check that the poppet valve depresses evenly across the valve seat of the dry break adaptor and that it reseats properly, and ~~if not, repair or~~ replace the dry break ***adaptor with a swivel dry break adaptor if either condition is not met.***

(d) If the owner of the facility is a political subdivision, a dry break adaptor that does not meet the requirements of (c)(8), above, may be repaired or replaced with a non-swivel type dry break adaptor if the political subdivision chooses to not pay for a swivel-type adaptor.

~~Env-Wm 1404.09~~ ***Env-Or 504.06*** Stage I ***System*** ~~Yearly~~ ***Annual*** Maintenance Inspection.

(a) ***Subject to (e), below, t***~~T~~he owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility or a bulk gasoline plant subject to Env-Wm 1404.05~~ shall perform ~~a yearly~~ ***the annual*** maintenance inspection***s required by Env-Or 504.04(b)***:

(1) No later than September 30 of each calendar year; and

(2) ~~At least~~ ***Subject to (b), below, no sooner than*** 10 months ~~between each~~ ***after the prior annual*** inspection.

{(b) has been moved and renumbered as (d), below}

(b) If a stage I test is done in lieu of an annual inspection as provided in (e), below, the owner or operator shall perform the next annual maintenance inspection no sooner than 10 months after the stage I test.

(c) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.15~~ ***Env-Or 506.04***.

(~~b~~***d***) During ~~the yearly~~ ***each annual*** maintenance inspection, the owner or operator shall:

(1) Perform all ~~items~~ ***inspections and maintenance*** specified in ~~Env-Wm 1404.08(b), above~~ ***Env-Or 504.05 for monthly inspections***;

(2) ***For each adaptor other than*** ~~With the exception of~~ ***any*** swivel adaptors, remove ~~all~~ ***the*** adaptor~~s~~ from ~~their~~ ***its*** riser pipe~~s~~, ***clean the threads on the adaptor and riser pipe,*** apply gasoline-resistant thread sealant to ***the*** cleaned threads, thread the adaptor~~s~~ back onto the riser pipe, and tighten in accordance with the manufacturer's recommendations;

(3) Replace or permanently plug each drain valve located in each spill bucket;

(4) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and

(5) ~~Measure the distance between the tank bottom and the submerged fill tube end to confirm compliance with Env-Wm 1404.04(a)(2) and if necessary, modify~~ ***Ensure that*** the submerged fill tube ***has the clearance specified in Env-Or 503.01(b).***

(~~d~~***e***) ***An annual maintenance inspection shall not be required for any calendar year in which*** ~~If a~~ ***the*** stage I ***system successfully passes a stage I system*** test ~~is successfully~~ performed ***as specified*** in ~~accordance with Env-Wm 1404.11 and~~ ***Env-Or 504.07 through Env-Or 504.10 prior to the due date of the annual inspection as specified in (a), above.*** ~~Env-Wm 1404.12 within the calendar year for which a yearly maintenance inspection is due, then the department shall not require the owner or operator to comply with requirements of this section.~~

{Env-Wm 1404.10(a) & (b) have been moved and renumbered as Env-Or 504.03(b) & (c)}
{ Env-Wm 1404.10(c) has been moved and renumbered as Env-Or 503.02}

~~Env-Wm 1404.11~~ ***Env-Or 504.07*** Stage I ***System*** Testing Requirements.

(a) The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~or bulk gasoline plant~~ ***that is*** subject to ***this part*** ~~Env-Wm 1404.05, but not subject to Env-Wm 1404.17,~~ shall perform stage I ***system*** testing ***as specified in Env-Or 504.08 through Env-Or 504.10:***

(1) For tanks at gasoline dispensing facilities having a throughput of 100,000 gallons per month or more, at least once every 3 years; and

(2) For all tanks, within 30 days of:

~~(1)~~***a.*** Failing to perform 2 monthly maintenance inspections~~, as specified in Env-Wm 1404.08,~~ ***in accordance with Env-Or 504.05*** in any given calendar year;

~~(2)~~***b.*** Failing to perform the ~~yearly~~ ***annual*** maintenance inspection ~~by September 30 as specified in Env-Wm 1404.09~~ ***as required by Env-Or 504.06(a)***; or

~~(3)~~***c.*** ***Discovering that t***~~T~~he stage I system is not functioning as ~~designed~~ ***specified in the applicable stage I certification reference standard in Env-Or 509.***

{(b) has been moved and renumbered as (e) and (f), below}

(~~c~~***b***) The owner or ~~responsible official~~ ***operator*** of each ***gasoline dispensing*** facility ~~or plant~~ being tested or retested shall notify the department in writing~~:~~ ~~(1) No later than 15~~ ***at least 7 working*** days prior to performing the test of the planned test date, test time, and if applicable, the testing consultant being used.~~; and~~

(c) If the test is being performed pursuant to (a)(1) or (a)(2)c., above, the owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(~~2~~***d***) Within ~~15~~ ***30*** days of the completion of each test performed, ~~as to~~ ***the owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing of*** the specific test results, and if a test failed, the specific actions to be taken to correct the problem and the next planned test time and date.

(~~b~~***e***) The owner or operator of a ***gasoline dispensing*** facility ~~or plant which~~ ***that*** does not ~~successfully pass~~ ***meet*** all of the criteria ~~during~~ ***for*** a ***successful*** stage I ***system*** test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(~~1~~***2***) ***Subject to (f), below, retest the*** ~~Perform a successful~~ stage I ~~retest~~ ***system*** within 30 days of the ***failed*** test. ~~failure; and~~

(~~2~~***f***) ~~Retest only those portions of the original test which failed the applicable criteria i~~***I***f the modifications performed to repair the facility ~~or plant~~ have not altered ~~the~~ ***a*** portion of the system ~~which~~ ***that*** passed the original test***, the retest may be performed only on those portions of the stage I system that failed the original test.***

~~Env-Wm 1404.12~~ ***Env-Or 504.08*** ***Required*** Stage I ***System*** Testing ~~Procedures~~ ***Components***. ~~(a)~~ The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~or bulk gasoline plant~~ shall ~~verify~~ ***ensure*** that stage I ***system*** test procedures consist of the following:

(~~1~~***a***) A PV vent cap test for pressure and vacuum as specified in ~~(b), (c), and (d), below~~ ***Env-Or 504.09***;

(~~2~~***b***) A pressure decay test as specified in ~~(e) and (f), below~~ ***Env-Or 504.10***; and

(~~3~~*c*) A submerged fill tube measurement ~~as specified in (g), below. (g)~~ ***to ensure and document that*** ~~The owner or operator shall install and document that the submerged fill tube distance between the tank bottom and the submerged fill tube end meets~~ the requirements of ~~Env-Wm 1404.04~~ ***Env-Or 503.01(b) are met.***

Env-Or 504.09 PV Vent Cap Test Procedures, Criteria, and Required Actions.

(~~b~~*a*) The ~~owner or operator shall conduct a~~ PV vent cap test for pressure and vacuum~~:~~ ***required by Env-Or 504.08(a) shall be conducted in accordance with California Air Resources Board (CARB) Vapor Recovery Test Procedure (TP) 201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, dated October 8, 2003.***

~~(1) That remotely subjects the PV vent cap to the pressure or vacuum setting of the PV vent cap;~~
~~(2) Uses testing apparatus that has a gauge capable of reading to 0.5 inches water column pressure and vacuum to measure the pressure or vacuum being imposed on each PV vent cap;~~
~~(3) For a pressure test, measures the point at which the PV vent cap opens and starts to vent the pressure; and~~
~~(4) For a vacuum test, measures the point at which the PV vent cap opens to draw air into the valve.~~

(~~c~~*b*) ***To*** pass the pressure and vacuum tests specified in (~~b~~*a*), above, ~~if~~ ***the***:

(1) ~~The p~~***P***ressure relief point ~~determined in (b)(3), above,~~ ***shall*** occur~~s~~ ~~within~~ ***between*** ~~2.0~~***2.5 to 6.0*** inches ~~above or below the PV vent cap setting~~ ***water column pressure***~~; and~~

(2) The vacuum relief point ~~determined in (b)(4), above,~~ ***shall*** occur~~s~~ ~~within~~ ***between*** ~~0.5~~ ***6.0 to 10.0*** inches ~~above or below the PV vent cap setting.~~ ***water column pressure; and***

(3) The total leak rate of all PV vent caps at the facility shall not exceed 0.17 cubic feet per hour at a pressure of 2.0 inches water column and 0.63 cubic feet per hour at a vacuum of 4.0 inches water column.

(~~d~~*c*) If the PV vent cap fails either the pressure ***test*** or ***the*** vacuum test as specified in ***(a) and*** (b)~~ and (c)~~, above, the owner or operator shall replace the PV vent cap with a PV vent cap ***as specified in Env-Or 504.02(b)*** that passes ~~both~~ the ~~pressure and vacuum~~ tests ***requirements of (b), above.***

Env-Or 504.10 Pressure Decay Test Procedures, Criteria, and Required Actions.

(~~e~~*a*) ***The pressure decay test required by Env-Or 504.08(b) shall be performed:***

(1) Following the PV vent cap test specified in ~~(b), (c), and (d), above,~~ ***Env-Or 504.09; and*** ~~the owner or operator shall perform a pressure decay test on the gasoline storage tank system~~

(2) I~~i~~n accordance with ~~California Air Resources Board (~~CARB~~) Vapor Recovery Test Procedure,~~ TP-201.3, as amended March 17, 1999, except ~~as listed in (f), below.~~ ***that the test shall be performed at 10 inches water column pressure.***

~~(f) The owner or operator shall perform the pressure decay test required in (e), above:~~
~~(1) At 10 inches water column pressure; and~~ *requirement moved to (a)(2)*

(~~2~~*b*) ~~With~~ ***To pass the pressure decay test,*** the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes ***shall be*** as specified in table ~~1404~~ ***500***-1, below:

Table ~~1404~~***500***-1 Minimum Allowable Pressure

Ullage (gallons)	Minimum Allowable Pressure (inches water column)	Ullage (gallons)	Minimum Allowable Pressure (inches water column)
500	3.70	5,000	9.30
600	4.50	6,000	9.38
700	5.20	7,000	9.46
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,500	7.50	12,000	9.64
1,750	7.90	13,000	9.66
2,000	8.20	14,000	9.68
2,250	8.35	15,000	9.70
2,500	8.50	16,000	9.71
2,750	8.60	17,000	9.71
3,000	8.70	18,000	9.72
3,250	8.80	19,000	9.73
3,500	8.90	20,000	9.73
3,750	9.00	21,000	9.74
4,000	9.10	22,000	9.75
4,250	9.15	23,000	9.75
4,500	9.20	24,000	9.76
4,750	9.25	25,000	9.77

(c) If the stage I system does not pass the pressure decay test, the owner or operator shall undertake such repairs as are necessary and retest until the stage I system passes the test.

~~Env-Wm 1404.16~~ ***Env-Or 504.11*** Compliance Schedule for Stage I Systems.

~~(a) The owner or operator of an existing gasoline dispensing facility or bulk gasoline plant shall meet the applicable stage I requirements of Env-Wm 1404.05.~~

(~~b~~***a***) ~~When~~ ***If*** the ~~annual~~ throughput of ~~the~~ ***a gasoline dispensing*** facility ***that had not previously met the criteria of Env-Or 501.02(b)*** ~~is~~ ***becomes*** equal to or greater than ~~120,000~~ ***10,000*** gallons of gasoline per ~~year~~ ***rolling 30-day period*** ~~is attained~~, the owner or operator ~~of an existing gasoline dispensing facility or bulk gasoline plant~~ shall comply with ~~the~~ ***all applicable*** requirements of ~~Env-Wm 1404.05 through Env-Wm 1404.16~~ ***this chapter*** within 180 days ~~from~~ ***after*** the date the facility becomes subject to this part.

(~~c~~***b***) The owner or operator of ~~the following facility or plant shall comply with the requirements of Env-Wm 1404.05 through Env-Wm 1404.16 upon commencement of operation: (1) Each new~~ ***a*** gasoline dispensing facility ~~or bulk gasoline plant which~~ ***that*** begins operation after the effective date of this ~~part~~ ***chapter*** and ~~are subject to Env-Wm 1404.05; and~~ ***that meets the criteria of Env-Or 501.02(b) shall comply with all applicable requirements of this chapter upon commencement of operation.***

(~~2~~***c***) ~~Each existing~~ ***The owner or operator of a gasoline dispensing*** facility ***that already is*** subject to ~~Env-Wm 1404.05~~ ***stage I requirements and that*** ~~undergoing~~ ***undergoes significant modifications to any*** tank ~~and~~ ***or*** piping ~~significant modifications~~ ***shall comply with all applicable requirements of this chapter as to the complete stage I system, including all modified components, upon completion of the modifications***.

(d) If the monthly throughput of a gasoline dispensing facility is 100,000 gallons of gasoline per month or more as of the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the effective date of this chapter.

(e) If the monthly throughput of a gasoline dispensing facility increases to 100,000 gallons of gasoline per month or more subsequent to the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the throughput becoming equal to or greater than 100,000 gallons of gasoline per month.

Insert a heading for Env-Or 505 as follows:
PART Env-Or 505 STAGE II REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Readopt with amendment Env-Wm 1404.17, eff. 8-21-04 (doc. #8141), as amended eff. 11-29-11 (doc. #10036), and renumber as Env-Or 505.01 through Env-Or 505.03, to read as follows:

~~Env-Wm 1404.17~~ ***Env-Or 505.01*** Applicability of Stage II Requirements.

(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility shall comply with ~~the stage II requirements of Env-Wm 1404.18 through Env-Wm 1404.28~~ ***this part in addition to Env-Or 503, Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509*** if the facility:

(1) Meets the ~~applicability~~ criteria ***specified*** in ~~Env-Wm 1404.05~~ ***Env-Or 501.02(b)*** for a stage I system;

(2) Is located in Hillsborough, Merrimack, Rockingham, or Strafford county; ~~and~~

(3) Does not qualify for an exemption pursuant to Env-Or 505.02; and

(~~3~~***4***) Meets one of the following criteria:

a. The facility has a~~n~~ ~~annual~~ throughput ~~for any year which is~~ equal to or greater than ~~420,000~~ ***35,000*** gallons ***per rolling 30-day period***; or

b. The facility was constructed after November 15, 1990, regardless of the amount of throughput.

(b) Once a facility meets the applicability criteria in (a)~~(3)a. or (a)(3)b.~~, above, the owner or operator shall ***continue to*** be subject to the stage II requirements even if a reduction in ~~annual~~ throughput occurs ~~which would otherwise exempt the owner or operator from these requirements~~ ***to below the threshold specified in (a)(4)a., above***.

Env-Or 505.02 Exemptions from Stage II Requirements.

(~~e~~***a***) ~~The owner or operator of a~~ ***Any gasoline dispensing*** facility ***that*** ~~servicing~~ ***services*** only motorized water vessels, airplanes, or agricultural equipment shall be exempt from this part.

~~(d) The owner or operator of a fleet facility subject to (a), above, shall be exempt from the requirements of this part if the owner or operator demonstrate to the department that 90% of the vehicles in the fleet are equipped with ORVR. The owner or operator of a fleet facility claiming this exemption shall submit an annual report to the department demonstrating that the fleet continues to meet this criterion.~~

(~~e~~***b***) ~~After January 1, 2012, t~~***T***he owner or operator of a gasoline dispensing facility that ~~is required by (a), above, to comply with stage II requirements~~ ***meets the criteria specified in Env-Or 505.01(a)*** shall be exempt from the requirements to install and to operate stage II equipment provided that:

(1) Facility construction commences on or after January 1, 2012;

(2) Facility construction commenced prior to January 1, 2012 but stage II equipment ~~has~~ ***had*** not been installed ***prior to January 1, 2012***; or

(3) The owner or operator decommissions the stage II equipment in accordance with ~~(f), below~~ ***Env-Or 505.03***.

Env-Or 505.03 ***Decommissioning Stage II Systems.***

(~~h~~***a***) Subject to (~~i~~***d***), below, the owner or operator of a gasoline dispensing facility equipped with stage II equipment shall decommission the stage II equipment by December 22, 2015 in accordance with ~~(f), above~~ ***this section***.

(~~f~~***b***) To qualify for an exemption under ~~(e)(3), above,~~ ***Env-Or 505.02(b)(3)*** or to comply with (~~h~~***a***), ~~below~~ ***above***, the owner or operator shall do the following in the order listed:

(1) Submit a completed notification form as described in ~~Env-Wm 1404.25(d)~~ ***Env-Or 506.02*** to notify the department of the intent to decommission the stage II equipment;

(2) Conduct a pressure decay test on the stage II vapor return piping as specified in ~~Env-Wm 1404.23 and Env-Wm 1404.24~~ ***Env-Or 505.12*** within 30 days prior to the scheduled decommissioning of the stage II equipment;

(3) Decommission the stage II system in accordance with all of the steps listed in the Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300, Section 14, Decommissioning Stage II Vapor Recovery Piping; and

(4) If the stage II vapor return piping did not pass the pressure decay test even after retesting in accordance with ~~Env-Wm 1404.23(d)~~ ***Env-Or 505.10(b)***, permanently close the stage II vapor return piping ~~by removing that piping~~ as specified in Env-Wm 1401.18(g)(2) ***or successor rule in subtitle Env-Or***.

(~~g~~***c***) Any owner or operator who decommissions stage II vapor recovery equipment shall continue to comply with the pressure decay ***and PV vent cap pressure and vacuum*** testing requirements of ~~Env-Wm 1404.23 and Env-Wm 1404.24~~ ***Env-Or 505.12*** for all equipment that remains in place, including any stage II vapor return piping that remains connected at the tank.

(~~i~~***d***) The requirement to decommission a stage II vapor recovery system shall not apply to political subdivisions. If a political subdivision that owns a stage II system chooses to decommission the equipment, such decommissioning shall comply with (~~f~~***b***), above.

Readopt with amendment Env-Wm 1404.18 through Env-Wm 1404.37, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 505.04 through Env-Or 509.01, to read as follows:

~~Env-Wm 1404.18~~ ***Env-Or 505.04*** Stage II ~~Physical~~ ***Equipment*** Requirements.

(a) The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~subject to Env-Wm 1404.17~~ ***that meets the criteria of Env-Or 505.01(a)*** shall:

(1) Install~~,~~ ***and*** maintain~~, and operate~~ a stage II system that is a certified vapor recovery system ~~or a department approved alternative as specified in Env-Wm 1404.36~~; ***and***

{subparagraph (2) has been moved and renumbered as Env-Or 505.05(a)}

(~~3~~***2***) Use a ~~two~~ ***2***-point system at ~~all~~ ***each*** assist system ~~facilities;~~ ***facility.***

~~(4) Label each PV vent cap with the cap's rated pressure and vacuum relief settings;~~
~~(5) Position the label specified in (4), above, so that it is visible from ground level;~~
~~(6) Equip a stage II system with a submerged fill tube as specified in Env-Wm 1404.04; and~~
~~(7) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap.~~

(b) Unless otherwise specified ***in an applicable reference standard*** for ~~a~~ ***the installed*** certified vapor recovery system ***and subject to (c), below***, the owner or operator shall install ~~a stage II system with a~~ PV vent cap***s*** ~~setting~~ as follows:

(1) For pressure, ~~3.0~~ ***2.5 to 6.0*** inches water column pressure ~~(1.7 oz/in²)~~; and

(2) For vacuum, ~~8.0~~ ***6.0 to 10.0*** inches water column vacuum ~~(4.6 oz/in²)~~.

(c) If a PV vent cap was installed prior to the effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.18(b) in effect immediately prior to the effective date of this chapter, as reprinted in Appendix E, the owner or operator may continue to use the PV vent cap until the earlier of 3 years from the effective date of this chapter or:

(1) The cap is required to be replaced pursuant to Env-Or 505.08(c)(1); or

(2) Stage II testing is required pursuant to one of the conditions of Env-Or 505.10(a).

(~~c~~***d***) ~~Prior to performing the dynamic back pressure test, t~~***T***he owner or operator of ~~each~~ ***any*** stage II ~~facility, which~~ ***equipment that*** is ~~required to perform~~ ***subject to*** a dynamic back pressure test ***as specified in Env-Or 504.12***~~,~~ shall permanently install***,*** ~~a test tee fitting~~ at each dispenser~~.~~, ~~The~~ ***a*** test tee fitting ~~shall be~~ ***that is:***

(1) E~~e~~quipped with a plug securely threaded into the branch connection***;*** and ~~is easily~~

(2) A~~a~~ccessible to allow for testing of the vapor return piping.

~~Env-Wm 1404.22~~ ***Env-Or 505.05*** Stage II Operational Requirements.

~~Env-Wm 1404.18~~ (a) ~~(2)~~ ***The owner or operator of a gasoline dispensing facility that is subject to this part shall o***~~O~~perate ~~a~~ ***the*** stage II system to recover at least 95% of all gasoline vapors at the facility or ***to*** be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(~~a~~***b***) No owner~~/~~ ***or*** operator ***of a gasoline dispensing facility that is subject to this part*** shall transfer or allow the transfer of gasoline from a gasoline storage tank at ~~a gasoline dispensing~~ ***the*** facility ~~subject to Env-Wm 1404.18~~ into a motor vehicle fuel tank unless the facility is operating with a stage II system ~~or department approved alternative in accordance with Env-Wm 1404.36~~ ***that is a certified vapor recovery system.***

(~~b~~***c***) No person shall deliberately***, recklessly,*** or negligently vent any ~~captured~~ vapors ***captured by a stage II vapor recovery system*** to the atmosphere.

~~(c) No person shall deliberately or negligently mishandle gasoline such that it would result in evaporation into the atmosphere, including but not limited to spilling, discarding into a sewer, or storing in an open container.~~ *{covered by Env-Or 503.02}*

(d) The owner or operator of a gasoline dispensing facility using a stage II system shall post in a conspicuous location in the gasoline dispensing area:

(1) A warning that topping off is prohibited because it could result in spillage or return of gasoline into the gasoline storage tank; and

(2) The department telephone number for reporting difficulties with stage II equipment and equipment malfunctions.

~~Env-Wm 1404.19~~ ***Env-Or 505.06*** ***Required*** Stage II ***System Inspection and*** Maintenance ~~Requirements~~. ~~(a)~~ The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17~~ ***this part*** shall:

(a) For balance systems, conduct daily inspections of each gasoline dispenser nozzle as specified in Env-Or 505.07;

(~~3~~***b***) Conduct monthly maintenance inspections of all stage II equipment at the facility as specified in ~~Env-Wm 1404.20~~ ***Env-Or 505.08***;

(~~4~~***c***) Conduct ~~an~~ annual maintenance inspection***s*** of all stage II equipment at the facility as specified in ~~Env-Wm 1404.21~~ ***Env-Or 505.09***;

(~~1~~***d***) Maintain ~~and properly operate~~ stage II equipment~~,~~ as specified by the manufacturer or by the ~~department~~ ***applicable reference standard specified in Env-Or 509***; ***and***

(~~2~~***e***) With the exception of PV vent caps, ***maintain*** stage II equipment ~~shall~~ ***to*** be leak free~~,~~ ***and*** vapor tight~~, and operate properly:~~.

Env-Or 505.07 ***Stage II Balance System Daily Nozzle Inspection Requirements.***

(~~6~~***a***) ***The owner or operator shall perform the daily inspection required by Env-Or 505.06(a) f***~~F~~or a balance system~~, perform the following maintenance routine~~ ***on each nozzle*** once per day of facility operation ***as follows***:

~~a.~~***(1)*** Remove ~~each~~ ***the*** nozzle from its dispenser holder;

~~b.~~***(2)*** Extend the hose to create a straight section of sloping hose section between the high point of the hose and the nozzle;

~~c.~~***(3) With the nozzle pointed into a container approved for gasoline storage, p***~~P~~ull back the nozzle bellows to open the nozzle vapor valve; and

~~d.~~***(4)*** Drain ~~all~~ ***any*** residual liquid gasoline out of the vapor portion of the nozzle and hose into ~~a~~ ***the gasoline storage*** container ~~approved for gasoline storage~~.

(~~5~~***b***) ***The owner or operator performing the test shall mark*** ~~Tag any~~ ***the*** gasoline dispenser nozzle as "Out of Order" ***with a tag or a bag*** if the nozzle is ~~connected to a stage II system~~ not operating as specified in ~~Env-Wm 1404.37; and~~ ***the applicable reference standard in Env-Or 509.***

(~~b~~***c***) No person shall use or ~~permit~~ ***allow*** the use of equipment marked "Out of Order" until it has been repaired, replaced, or adjusted, as necessary***, and retested to ensure it is working properly***.

~~Env-Wm 1404.20~~ ***Env-Or 505.08*** Stage II Monthly Maintenance Inspections.

(a) The owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility subject to Env-Wm 1404.17~~ shall perform ***the*** monthly maintenance inspections ***required by Env-Or 505.06(b) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection***.

(~~e~~***b***) The owner or operator shall document the monthly maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.26~~ ***Env-Or 506.04***.

(~~b~~***c***) During ~~a~~ ***each*** monthly maintenance inspection, the owner or operator shall:

(1) ~~Check all vent risers for visible damage and repair as necessary~~ ***Complete all items required for stage I specified in Env-Or 504.05(c)***;

~~(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;~~
~~(3) Remove and discard, in accordance with Env-Wm 1404.22(c) and Env-Ws 421, any gasoline, water, and debris present in each spill bucket as specified in Env-Wm 1401.25;~~
~~(4) Check each coaxial fill adaptor cap, two-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;~~
~~(5) If any coaxial fill adaptor cap, two-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if the gasket is missing or damaged, replace or repair the cap or gasket;~~
~~(6) Check each coaxial fill adaptor, two-point fill adaptor, and dry break adaptor for tightness and if either adaptor can be hand rotated, tighten with a wrench;~~
~~(7) For a two-point system:~~
~~a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the valve seat of the adaptor and if a continuous seal is not present, repair or replace the dry break adaptor; and~~
~~b. Check that the poppet valve depresses evenly across the valve seat and that it reseats properly and if not, repair or replace the dry break;~~

(~~8~~***2***) For a balance system:

a. Check each hose in and around each dispenser for tears, leaks, holes, or defects of any kind and replace any hoses containing any tear longer than ~~a half~~ ***1/2***-inch or any hole greater than ~~a quarter~~ ***1/4***-inch in diameter;

b. Check each nozzle bellow for tears, leaks, holes, or defects of any kind and replace any bellows containing any tear longer than ~~a half~~ ***1/2***-inch or any hole greater than ~~a quarter~~ ***1/4***-inch in diameter; and

c. Check each nozzle bellow's faceplate for continuity with a minimum of ~~3 quarters~~ ***75%*** of the bellows faceplate sealed against the vehicle fill pipe during fueling operation and replace any bellows faceplate not meeting that criterion; and

(~~9~~***3***) For an assist system:

a. Check each hose for kinks or crimps and replace all defective sections;

b. Check each nozzle spout for looseness and tighten or replace as necessary;

c. Check each vapor return hole on the nozzle spout for blockage or obstruction and replace the nozzle or spout if the number of unobstructed holes does not meet the requirements for a specific stage II system; and

d. If a splash or vapor guard is required, check each splash or vapor guard for integrity and replace if the guard is missing or damaged.

~~Env-Wm 1404.21~~ ***Env-Or 505.09*** Stage II ***System*** ~~Yearly~~ ***Annual*** Maintenance Inspection.

(a) ***Subject to (d), below, t***~~T~~he owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility subject to Env-Wm 1404.17~~ shall perform ~~a yearly~~ ***the annual*** maintenance inspection~~:~~ ***required by Env-Or 505.06(c) as specified in Env-Or 504.06.***

~~(1) No later than September 30 of each calendar year; and~~
~~(2) At least 10 months between each inspection.~~

(~~c~~***b***) The owner or operator shall document each ~~yearly~~ ***annual*** maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.26~~ ***Env-Or 506.04***.

(~~b~~***c***) During ~~the yearly~~ ***each annual*** maintenance inspection, the owner or operator shall~~:~~ ~~(1)~~ ~~P~~***p***erform all ~~items~~ ***inspections and maintenance*** specified in ~~Env-Wm 1404.20(b), above;~~ ***Env-Or 505.07, if applicable, and Env-Or 504.06(c).***

~~(2) With the exception of swivel adaptors, remove all adaptors from their riser pipes, apply gasoline-resistant thread sealant to cleaned threads, thread the adaptors back onto the riser pipe, and tighten in accordance with the manufacturer's recommendations;~~
~~(3) Replace or permanently plug each drain valve located in each spill bucket;~~
~~(4) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and~~
~~(5) Measure the distance between the tank bottom and the submerged fill tube end to confirm compliance with Env-Wm 1404.04(b) and if necessary, modify the submerged fill tube.~~

(d) ~~The owner or operator may substitute a successful pressure decay test performed in accordance with Env-Wm 1404.24 within the calendar year for which the yearly maintenance is due for the yearly maintenance requirements of this section.~~ ***An annual maintenance inspection shall not be required for any calendar year in which the stage II system successfully passes a pressure decay test performed as specified in Env-Or 504.12 prior to the due date of the annual inspection as specified in (a), above.***

~~Env-Wm 1404.23~~ ***Env-Or 505.10*** ***Required*** Stage II ***System*** Testing ~~Requirements~~.

(a) The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17~~ ***this part*** shall ~~comply with the following~~ ***perform stage II system*** testing ~~requirements:~~ ***as specified in Env-Or 505.11 and Env-Or 505.12*** ~~(a) Test the stage II system as specified in Env-Wm 1404.24~~ at least once every 3 years~~.~~ ***and*** ~~(b) Perform the stage II tests specified in Env-Wm 1404.24~~ at the following times:

(1) No later than 15 days after completion of installation of a new stage II system;

(2) No later than 15 days after completion of any significant modification to an existing stage II system;

(~~b~~***3***) ~~Conduct testing at facilities with complete stage II installations and where~~ ***No later than 15 days after completion of any*** backfill, pavement, ~~and~~ ***or*** concrete work around stage II equipment***;*** ~~is completed; and~~

(~~3~~***4***) Within 90 days prior to the expiration date of any stage II permit issued ***as provided*** in ~~accordance with Env-Wm 1404.27~~ ***Env-Or 505.13***; and

(~~4~~***5***) No later than 30 days following an inspection ~~by the department demonstrating~~ that ***identifies deficiencies in*** ~~a~~ ***the certified stage II vapor recovery system at the*** facility. ~~does not meet the requirements of this section and the applicable stage II system or a department approved alternative in accordance with Env-Wm 1404.36.~~

~~(c) Prior to any stage II testing, submit a completed notification form as specified in Env-Wm 1404.25.~~ *covered by 505.11*

(~~d~~***b***) ~~Complete the following steps for any~~ ***The owner or operator of a*** facility ~~tested as required in (a) and (b), above, which~~ ***that*** does not ~~successfully pass~~ ***meet*** all of the criteria ~~in the applicable vapor recovery tests~~ ***for a successful test shall***:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(~~1~~***2***) ~~Perform a successful~~ ***Subject to (c), below, retest the*** stage II ~~retest~~ ***system*** within 30 days of the ***failed*** test ~~failure; and~~.

(~~2~~***c***) ~~Retest only those portions of the original test which failed the applicable criteria i~~***I***f the modifications performed to repair the facility ~~or plant~~ have not altered ~~the~~ ***a*** portion of the system ~~which~~ ***that*** passed the original test, ***the retest may be performed only on those portions of the stage II system that failed the original test***.

Env-Or 505.11 ***<u>Stage II System Testing: Scheduling and Notification Requirements</u>.***

(~~f~~ ***a***) ***The owner or operator shall*** ~~S~~schedule testing to be conducted***:***

(1) O~~o~~n non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department~~.~~ ***in advance; and***

(~~g~~***2***) ~~Conduct tests w~~***W***ith oversight by the department. ~~; otherwise, the test shall be invalid for purposes of fulfilling the requirements of (a) and (b), above. If the department is unable to witness the test, the department shall grant permission for the tester to proceed with the test.~~

~~(e) Comply with the following requirements:~~ (~~1~~***b***) ~~No later than 7 working department days p~~***P***rior to ~~performing~~ ***initiating*** ~~the~~ ***a*** test, ***the owner or operator shall*** notify the department ***in writing*** ~~by facsimile, letter, or e-mail~~ of the planned test date, test time, and testing consultant being used, if applicable~~;~~.

(c) The owner or operator shall send the notice required by (b), above, by letter, fax, or e-mail, so long as the notice is received by the department at least 7 working days in advance of the test date.

~~(e)~~(~~2~~***d***) Within 30 days of the completion of the test, ***the owner or operator shall*** notify the department ***in writing*** by ~~facsimile~~ ***fax***, letter, or e-mail of the specific test results and data collected during the testing~~; and~~.

(e)~~(3)~~ The owner ***or operator*** shall report ~~to the department~~ any test failure ***to the department in writing*** within 24 hours, unless the cause is immediately determined and corrected and the failure did not result in a release of vapors to the environment.

{(g) has been moved and renumbered as (a)(2), above}
{(h) has been moved and renumbered as Env-505.10(a)(3)}
{(i) has been moved and renumbered as Env-Or 505.12(b)}

~~Env-Wm 1404.24~~ ***Env-Or 505.12*** <u>Stage II ***System*** Testing Procedures</u>.

(a) ~~The owner or operator shall perform the following tests in accordance with the~~ ***In this section:***

(1) "TP 201.3" means ~~California Air Resources Vapor Board~~ (CARB~~) Test Procedure~~ TP 201.3 Pressure Decay dated March 17, 1999, ***except that the test shall be performed at 10 inches water column;***

(2) "TP 201.4" ***means CARB TP 201.4*** Dynamic Back pressure dated July 3, 2002~~,~~***; and***

(3) "TP 201.5" ***means CARB TP 201.5*** Air to Liquid Ratio ***(A/L)*** dated February 1, 2001.~~ and Env-Wm 1404.37,~~

~~Env-Wm 1404.23 (i~~***b***) ~~Conduct t~~***T***esting ***shall be conducted*** at a facility only if all volumetric liquid gasoline measuring devices at each dispenser have been calibrated in accordance with the requirements of the bureau of weights and measures of the New Hampshire department of agriculture, markets, and food~~ or a department approved alternative as set forth in Env-Wm 1404.36:~~.

(c) The owner or operator shall perform the following specified tests:

(1) For a balance system~~s~~:

a. The pressure decay test performed in accordance with TP 201.3; and

b. The dynamic back pressure test performed in accordance with TP 201.4 on each nozzle;

(2) For bootless nozzle systems:

a. The pressure decay test performed in accordance with TP 201.3;

b. The dynamic back pressure test performed in accordance with TP 201.4 test tee fitting location ***as*** described in ~~Env-Wm 1404.18(c)~~ ***Env-Or 505.04(c)***; and

c. The ~~air-to-liquid ratio (~~A/L~~)~~ test performed in accordance with TP 201.5;

(3) For Healy Model 400 ORVR compatible booted nozzle system ~~utilizing~~ ***using*** a central vacuum unit:

a. The pressure decay test ~~procedure~~ performed in accordance with CARB executive order G-70-186 or G-70-187;

b. The Healy vacuum integrity test; and

c. The Healy fillneck vapor pressure regulation fueling test;

(4) For Healy Model 600 bootless or booted nozzle system and Healy Model 800 booted nozzle system with the Healy/Franklin VP 1000 vapor pump or equivalent~~ shall undergo the testing specified below~~:

a. The pressure decay test ~~procedure~~ performed in accordance with CARB ***executive order*** G-70-191;

b. The dynamic back pressure test ***in accordance with TP 201.4*** at the test tee fitting location described in ~~Env-Wm 1404.18(c)~~ ***Env-Or 505.04(c)***; and

c. The A/L test with a Healy A/L adaptor for booted nozzles performed in accordance with TP 201.5; and

(5) For Healy Model 600 bootless system ~~utilizing~~ ***using*** a central vacuum unit:

a The pressure decay test ~~procedure~~ performed in accordance with CARB ***executive order*** G-70-165;

b. The Healy vacuum integrity test; and

c. The A/L test performed in accordance with TP 201.5.

(~~b~~***d***) ***For any pressure decay test performed in accordance with TP 201.3, t***~~T~~he owner or operator ***shall ensure*** ~~or~~***, and*** the ~~person~~ ***individual*** conducting the pressure decay test shall verify, that there are no product deliveries into or out of ~~the~~ ***any*** gasoline storage tank within the 3 hours prior to the test or during the performance of ~~this~~ ***the*** test ~~of the certified vapor recovery system being tested as in accordance with the California Environmental Protection Agency Air Resources Board Vapor Recovery Test Procedure TP-201.3 "Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities."~~.

(~~c~~***e***) All A/L test equipment shall be calibrated once every 12 months as specified by the manufacturer ~~or a department approved alternative in accordance with Env-Wm 1404.36~~.

~~(d) The owner or operator shall perform a submerged fill tube measurement on all gasoline storage tanks to confirm that the measured distance between the tank bottom and the submerged fill tube end meets the requirements of Env-Wm 1404.04 and if necessary, modify the submerged fill tube.~~

(~~e~~***f***) ~~The owner or operator shall perform the following changes to the test procedures listed in (a), above: (1) Testing shall be conducted once every 3 years; (2) The pressure decay tests shall be performed at 10 inches water column; and (3)~~ ***To pass the pressure decay test, t***~~T~~he minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in ***Env-Or 504.10(b),*** table ~~1404-2, below:~~ ***500-1.***

~~Table 1404-2 Minimum Allowable Pressure~~

~~Ullage (gallons)~~	~~Minimum Allowable Pressure (inches water column)~~	~~Ullage (gallons)~~	~~Minimum Allowable Pressure (inches water column)~~
~~500~~	~~3.70~~	~~5,000~~	~~9.30~~
~~600~~	~~4.50~~	~~6,000~~	~~9.38~~
~~700~~	~~5.20~~	~~7,000~~	~~9.46~~
~~800~~	~~5.80~~	~~8,000~~	~~9.52~~
~~900~~	~~6.20~~	~~9,000~~	~~9.56~~
~~1,000~~	~~6.50~~	~~10,000~~	~~9.60~~
~~1,250~~	~~7.05~~	~~11,000~~	~~9.62~~
~~1,500~~	~~7.50~~	~~12,000~~	~~9.64~~
~~1,750~~	~~7.90~~	~~13,000~~	~~9.66~~
~~2,000~~	~~8.20~~	~~14,000~~	~~9.68~~
~~2,250~~	~~8.35~~	~~15,000~~	~~9.70~~
~~2,500~~	~~8.50~~	~~16,000~~	~~9.71~~
~~2,750~~	~~8.60~~	~~17,000~~	~~9.71~~
~~3,000~~	~~8.70~~	~~18,000~~	~~9.72~~
~~3,250~~	~~8.80~~	~~19,000~~	~~9.73~~
~~3,500~~	~~8.90~~	~~20,000~~	~~9.73~~
~~3,750~~	~~9.00~~	~~21,000~~	~~9.74~~
~~4,000~~	~~9.10~~	~~22,000~~	~~9.75~~
~~4,250~~	~~9.15~~	~~23,000~~	~~9.75~~
~~4,500~~	~~9.20~~	~~24,000~~	~~9.76~~
~~4,750~~	~~9.25~~	~~25,000~~	~~9.77~~

(~~f~~***g***) The owner or operator shall verify that PV vent cap pressure and vacuum tests are performed as specified in ~~(g) and (i), below~~ ***Env-Or 504.09***.

~~(g) The owner or operator shall verify that each PV vent cap pressure test and vacuum test:~~
~~(1) Remotely subjects the PV vent cap to the pressure or vacuum setting of the cap;~~

~~(2) Uses testing apparatus that has a gauge capable of reading to 0.5 inches water column pressure and vacuum to measure the pressure or vacuum being imposed on each PV vent cap;~~
~~(3) For a pressure test, measures the point at which the PV vent cap opens and starts to vent the pressure; and~~
~~(4) For a vacuum test, measures the point at which the PV vent cap opens to draw air into the valve.~~

~~(h) The PV vent cap shall pass both the pressure and vacuum tests specified in (g), above, if:~~
~~(1) The pressure relief point determined in (g)(3), above, occurs within 0.5 inches above or below the PV vent cap setting; or~~
~~(2) The vacuum relief point determined in (g)(4), above, occurs within 2.0 inches above or below the PV vent cap setting.~~

~~(i) If the PV vent cap fails either the pressure or vacuum test as specified in (g) and (h), above, the owner or operator shall replace the PV vent cap with a cap that passes both the pressure and vacuum tests.~~

~~Env-Wm 1404.25 Stage II Notification Requirements.~~ *{now covered by Env-Or 506}*

~~(a) The owner or operator of a gasoline dispensing facility, subject to Env-Wm 1404.17 shall notify the department on notification forms obtained from the department prior to each stage II vapor recovery test required in Env-Wm 1404.23(b)(1), (b)(2), and (b)(3).~~

~~(b) When a transfer of ownership of any gasoline dispensing facility subject to Env-Wm 1404.17 takes place, the new owner shall submit a notification form obtained from the department to the department within 10 days of the transfer.~~

~~(c) The department shall inform the owner or operator within 30 days of receipt if the notification form does not sufficiently include the information required in (d), below.~~

~~(d) The following information shall be submitted to the department:~~
~~(1) Regarding the facility, the facility or plant's:~~
~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~
~~(2) Regarding each owner of the facility, the owner's:~~
~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~
~~(3) Regarding a contact person responsible for the stage II system at the facility, the contact person's:~~
~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~

{(d)(4) has been moved and renumbered as Env-Or 506.03(e)}

~~(5) Gasoline dispenser information, including but not limited to, the number of dispensers and number of nozzles at each dispenser;~~
~~(6) The number of gasoline storage tanks and the grade of gasoline in each tank; and~~

~~(7) The date when construction, installation, or significant modification of the facility occurred.~~

~~(e) The owner or responsible official shall:~~

~~(1) Sign and date the form; and~~

~~(2) Certify the form by the individual's signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

~~Env-Wm 1404.26 Stage II Recordkeeping Requirements.~~ *{now covered by Env-Or 506}*

~~(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility subject to Env-Wm 1404.17 shall maintain and provide to the department within 48 hours upon the request of the department the following records :~~

~~(1) All records of installation;~~

~~(2) Current Env-Wm 1404 rules;~~

~~(3) Bulk liquid receipts;~~

~~(4) All information pertinent to equipment failures, repairs, and maintenance;~~

~~(5) A copy of the facility's current permit to operate, as specified in Env-Wm 1404.27, in a visible location;~~

~~(6) As applicable, each daily balance system maintenance performed as specified in Env-Wm 1404.19(a)(6);~~

~~(7) Each monthly maintenance inspection, as specified in Env-Wm 1404.20, with a description of all repair work completed on the vapor recovery system;~~

~~(8) Each annual maintenance inspection, as specified in Env-Wm 1404.21, or alternative as specified in Env-Wm 1404.21(d) with a description of all repair work completed on the vapor recovery system; and~~

~~(9) A copy of all stage II gasoline vapor recovery notification forms as specified in Env-Wm 1404.25 submitted to the department.~~

~~(b) The owner or operator shall retain records for the life of the system required to be kept by (a)(1), (a)(2), (a)(4), or (a)(8), above.~~

~~(c) The owner or operator shall retain for 3 years records required to be kept by (a)(3), (a)(5), (a)(6), (a)(7), or (a)(9), above.~~

~~Env-Wm 1404.27~~ ***Env-Or 505.13*** ~~Approval~~ ***Permit*** to Operate.

(a) The owner or operator of a gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17~~ ***this part and to RSA 146-C*** shall have a valid permit to operate in accordance with ***RSA 146-C and*** Env-Wm 1401 ~~and Env-Wm 1404~~ ***or successor rules in subtitle Env-Or***.

(b) ***As part of the application for the permit to operate, t***~~T~~he owner ***or operator*** of the stage II facility shall submit to the department the following:

(1) A completed stage II vapor recovery notification form; and

(2) The results of all required stage II tests in accordance with ~~Env-Wm 1404.23(e)(2)~~ ***Env-Or 505.11(d)***.

(c) The permit to operate shall be ***prominently*** displayed in a***n area where it can be observed in the normal course of an*** ~~prominent place easily visible for~~ inspection ~~at~~ ***of*** the facility.

~~Env-Wm 1404.28~~ ***Env-Or 505.14*** Compliance Schedule for Stage II Systems.

(a) The owner or operator of a gasoline dispensing facility ***that becomes*** subject to ~~Env-Wm 1404.17(a)(3)a.~~ ***this part after the effective date of this part*** shall comply with the requirements of ~~Env-~~

~~Wm 1404.17 through Env-Wm 1404.28~~ ***this part*** within one year ~~from~~ ***after*** the date the facility becomes subject to ~~the~~ stage II ~~applicability criteria~~ ***requirements***.

(b) The owner or operator of a facility ***that*** meet~~ings~~ the stage II applicability criteria specified in ~~Env-Wm 1404.17(a)(3)b.~~ ***Env-Or 505.01 as of the date it initiates operations*** shall be in compliance with the requirements of ~~Env-Wm 1404.17 through Env-Wm 1404.28~~ ***this part*** prior to commencing operation.

PART Env-Or 506 NOTIFICATION AND RECORDKEEPING FOR GASOLINE DISPENSING FACILITIES

Env-Or 506.01 Required Throughput Reporting.

~~Env-Wm 1404.15~~ (~~c~~ ***a***) ~~With the exception of facilities equipped with a stage II system, by April 30 of each year, t~~***T***he owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~in Hillsborough, Merrimack, Rockingham, or Strafford county~~ ***that is subject to Env-Or 504*** shall ~~submit~~ ***report throughput information in writing*** to the department ~~facility throughput information for the previous calendar year.~~ ***within 30 days of the throughput equaling or exceeding 100,000 gallons per rolling 30-day period.***

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

~~Env-Wm 1404.13~~ ***Env-Or 506.02*** ~~Stage I~~ Notification Requirements.

(a) The owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~or bulk gasoline plant~~ ***that is subject to stage I requirements or both stage I and stage II requirements*** shall submit a ~~Form Env-Wm 1404-A,~~ "~~Stage I~~ Vapor Recovery Notification ***Form" (VRN form) as described in Env-Or 506.03*** to the department ~~pursuant to the following~~ ***as follows***:

(1) At least 30 days prior to any construction, installation, or significant modification ~~involving~~ ***that affects*** a stage I system ***or a stage II system, or both***;

(2) Prior to scheduling a stage II test pursuant to Env-Or 505.11 or decommissioning a stage II system as specified in Env-Or 505.03(b)(1);

(3) At least 10 days prior to a change in ~~usage~~ ***use of a storage tank*** from gasoline to non-gasoline or non-gasoline to gasoline~~.~~***; and***

(~~2~~***4***) Within 10 days after a change of any of the items specified in ~~Env-Wm 1404.14; and~~ ***Env-Or 506.03.***

~~Env-Wm 1404.25~~ (b) ~~When a transfer of~~ ***If*** ownership of ~~any~~ ***a*** gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17 takes place~~ ***stage I requirements or both stage I and stage II requirements is transferred***, the new owner shall submit a ***completed*** ~~notification~~ ***VRN*** form ~~obtained from the department~~ to the department within 10 days of the transfer.

~~Env-Wm 1404.14~~ (~~b~~***c***) The owner or ~~responsible official~~ ***operator*** shall ~~verify: (1) The form is~~ sign~~ed~~ and date~~d; and~~ ***the VRN form.***

~~Env-Wm 1404.14 (b)~~(~~2~~***d***) The ~~form is certified by the individual's~~ signature ***of the owner or operator shall constitute:***

(1) Certification that the information on the ***VRN*** form is true and correct to the best of the individual's knowledge and belief~~,~~***; and***

(2) Acknowledgement that the individual is subject to the penalt~~y~~***ies specified in RSA 641:3*** for making unsworn false statements ~~under RSA 641:3~~.

(~~b~~***e***) The department shall***,*** ~~inform such owner or operator~~ within 30 days of receipt ~~if~~ ***of*** the ~~notification~~ ***VRN form, inform the individual who submitted the VRN form of any deficiencies in the notification.*** ~~does not sufficiently include the information required in Env-Wm 1404.14, below.~~

(~~e~~***f***) If the department is not able to determine the effectiveness or design of the equipment or system being constructed, installed, or significantly modified, the department shall request additional information in order to make such determination.

~~Env-Wm 1404.14~~ ***Env-Or 506.03*** ~~Form Env-Wm 1404-A, Stage I~~ Vapor Recovery Notification ***Form***. ~~(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility or a bulk gasoline plant, only subject to Env-Wm 1404.05, shall complete and submit to the department a Form Env-Wm 1404-A, "Stage I~~ ***The*** Vapor Recovery Notification ***Form (VRN form)***~~", including~~ ***shall require*** the following information:

(~~1~~***a***) ~~Regarding the facility or plant, t~~***T***he ***name, physical address, mailing address, main telephone number, main fax number, and site number of the gasoline distribution*** facility ~~or plant's:~~***;***

~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~

(~~2~~***b***) ~~Regarding~~ ***The name, mailing address, daytime telephone number, fax number, and email address of*** each owner of the ***gasoline distribution*** facility***;*** ~~or plant, the owner's:~~

~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. E-mail address;~~

(~~3~~***c***) ~~Regarding a contact person~~ ***The name, mailing address, daytime telephone number, fax number, and email address of the individual who is*** responsible for***:***

(1) T~~t~~he stage I system at the ***gasoline distribution*** facility***; and***

(2) If applicable, the stage II system at the gasoline distribution facility; ~~or plant, the contact person's:~~

~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. E-mail address;~~

(~~4~~***d***) A description of ***all*** stage I equipment ***at the gasoline distribution facility***, including but not limited to~~,~~ the ~~two~~ ***2***-point or coaxial stage I system and***,*** if there is a ~~two~~ ***2***-point system, ~~specify~~ ***a statement as to*** whether the dry break adaptor is located on the manifold or on the tank;

(e) For stage II gasoline distribution facilities:

~~Env-Wm 1404.25(d)~~(~~4~~*1*) A description of ***all*** stage II equipment, including but not limited to, the type of system~~, either balance or assist,~~ and the type of vapor assist~~, if applicable~~; ***and***

~~Env-Wm 1404.25(d)~~(~~5~~*2*) Gasoline dispenser information, including but not limited to~~,~~ the number of dispensers and number of nozzles at each dispenser;

(~~5~~*f*) The number of gasoline storage tanks ***at the gasoline distribution facility and for each tank, the size of the tank*** and the grade of gasoline ~~in each tank~~ ***contained in the tank***; ~~and~~

(~~6~~ *g*) The date when construction, installation, or significant modification of ***any stage I or stage II equipment at*** the ***gasoline distribution*** facility ~~or plant~~ occurred.

{(b) has been moved and renumbered as Env-Or 506.02(c) and (d)}

~~Env-Wm 1404.15~~ ***Env-Or 506.04*** ~~Stage I~~ Recordkeeping ~~and Reporting~~ Requirements ***for Gasoline Dispensing Facilities***. ~~(a)~~ The owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~or a bulk gasoline plant~~ ***that is subject to this chapter*** shall***:***

(a) ***M***~~m~~aintain ***the following records*** on-site***:***

(1) A copy of this chapter; ~~current Env-Wm 1404 and~~

(~~4~~*2*) ~~A~~ ***The*** record***s*** of each monthly maintenance inspection ~~as specified in Env-Wm 1404.08 with a description of all repair work completed on the stage I system~~ ***conducted over the prior 3 years as required by Env-Or 504.05 or Env-Or 505.08, as applicable***;

(~~5~~*3*) ~~A~~ ***The*** record***s*** of each annual maintenance inspection ~~as specified in Env-Wm 1404.09 with a description of all repair work completed on the stage I system~~ ***conducted over the prior 3 years as required by Env-Or 504.06 or Env-Or 505.09, as applicable***; ~~and~~

(4) A description of all repair work completed as a result of any of the inspections included in (2) or (3), above; and

(~~3~~*5*) All ***other*** information ~~pertinent to~~ ***regarding*** equipment failures, repairs, and maintenance ***over the prior 3 years that is not included in (4), above***; ***and***

(~~b~~*6*) ***A copy of t***~~T~~he ~~owner or operator of a gasoline storage tank subject to Env-Wm 1404.05 at a gasoline dispensing facility or a bulk gasoline plant shall maintain on site the~~ manual entitled, "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual~~.~~"***;***

(b) ***P***~~p~~rovide ***the following records*** to the department upon request ~~the following~~:

(1) All records of installation ***of stage I equipment and, if applicable, of stage II equipment***;

(2) Bulk liquid receipts;

(~~6~~*3*) A copy of ~~all stage I vapor recovery notification~~ ***each VRN*** form~~s~~ as ~~specified~~ ***described*** in ~~Env-Wm 1404.14~~ ***Env-Or 506.03*** ~~submitted to the department.~~ ***completed for the facility; and***

(4) For stage II systems:

a. A copy of the facility's current permit to operate, as required by Env-Or 505.13; and

b. Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable; and

(c) ~~The owner or operator shall r~~***R***etain ~~indefinitely all~~ ***the*** records ~~of installation~~ ***identified in (a) and (b), above, as specified in table 500-2, below:***

Table 500-2: Required Record Retention Periods

Record Required by Env-Or 506.04	***Description of Record***	***Required Retention Period***
(a)(1)	***The vapor recovery rules, Env-Or 500***	***Duration of the operating life of the facility***
(a)(6)	***The "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual"***	
(b)(2)	***Bulk liquid receipts***	***Until such time as the equipment is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.***
(a)(2)	***A record of each monthly maintenance inspection as specified in Env-Or 504.05 or Env-Or 505.08, as applicable***	***3 years from date of receipt or completion, as applicable, provided that if the owner or operator has been notified of a pending inquiry into the integrity of the gasoline storage tank(s) at the facility, then until such time as the stage I or stage II equipment, as applicable, is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.***
(a)(3)	***A record of each annual maintenance inspection as specified in Env-Or 504.06 or Env-Or 505.09, as applicable***	
(a)(4)	***A description of all repair work completed as a result of any of the inspections included in (a)(2) or (a)(3)***	
(a)(5)	***All other information that is relevant to equipment failures, repairs, and maintenance that is not included in (a)(4)***	
(b)(1)	***All records of installation of stage I equipment and, if applicable, of stage II equipment***	
(b)(4)b.	***For stage II systems:*** ***Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable***	
(b)(3)	***A copy of each Vapor Recovery Notification Form as described in Env-Or 506.03 completed for the facility***	
(b)(4)a.	***For stage II systems:*** ***A copy of the facility's current permit to operate, as required by Env-Or 505.13***	***Until a new or renewed permit to operate is received***

~~(d) The owner or operator shall retain for 3 years the records required to be kept by (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7), above.~~

{(e) has been moved and renumbered as Env-Or 506.01}

PART Env-Or 507 STAGE I REQUIREMENTS FOR CARGO TRUCKS

~~Env-Wm 1404.29~~ ***Env-Or 507.01*** ~~Physical Requirements~~ ***Required Equipment*** for Cargo Trucks.

(a) The owner or operator of a cargo truck ~~subject to Env-Wm 1404.05~~ ***that meets the criteria specified in Env-Or 501.02(d)*** shall~~: (1) I~~install~~,~~ ***and*** maintain~~, and operate~~ a stage I system ***to serve the cargo truck*** that is a certified vapor recovery system~~ or a department approved alternative as specified in Env-Wm 1404.36; and.~~

{(a)(2) has been moved and renumbered as Env-Or 507.03(a)}

(b) ~~The owner or operator shall install a~~***A***ll hoses and ***stage I*** equipment on the cargo truck ~~to~~ ***shall*** be ***specifically manufactured for use in transferring gasoline or otherwise certified by the manufacturer as*** compatible ~~and properly~~ ***with gasoline.***

(c) The cargo truck shall be connected during gasoline delivery to ~~the equipment on the~~ ***a*** gasoline storage tank~~(s) at a gasoline dispensing facility subject to Env-Wm 1404.05 or Env-Wm 1404.17 or a bulk gasoline plant subject to Env-Wm 1404.05~~ using:

(1) For a coaxial system, a separate coaxial coupling with one vapor return hose used for every fill hose in service;

(2) For a ~~two~~ ***2***-point system where the tanks are ***connected with a*** manifold~~ed~~, a minimum of one vapor return hose used for every 2 fill hoses in service; and

(3) For a ~~two~~ ***2***-point system where the tanks are not ***connected with a*** manifold~~ed~~, a separate vapor recovery connection at each tank being filled.

{(c) has been moved and renumbered as Env-Or 507.03(b)}
{(d) has been moved and renumbered as Env-Or 507.03(d)}

~~Env-Wm 1404.30~~ ***Env-Or 507.02*** Maintenance Requirements for Cargo Trucks. The owner or operator of a cargo truck ~~subject to Env-Wm 1404.05~~ ***that is subject to this part*** shall~~: (a)~~ ***m***~~M~~aintain ~~and properly operate~~ stage I equipment as specified by the manufacturer~~;~~ and ***so as*** ~~(b) Maintain stage I equipment~~ to be leak-free and vapor tight.

~~Env-Wm 1404.31~~ ***Env-Or 507.03*** Operational Requirements for Cargo Trucks.

{(a)-(d) have been moved and renumbered as (f)-(h)}

~~Env-Wm 1404.29~~ (a)~~(2)~~ ***The owner or operator of a cargo truck that is subject to this part shall o***~~O~~perate ~~a~~ ***the*** stage I system to recover at least 95% of all gasoline vapors ***released from the gasoline tank to which the fuel is being delivered during unloading operations*** at the facility or ***to*** be at least as efficient as the manufacturer's design efficiency, whichever is higher. This standard shall apply to each cargo truck during each applicable gasoline delivery.

~~Env-Wm 1404.29~~ (~~c~~***b***) During loading ~~and unloading~~ of gasoline at a ***bulk*** gasoline ***loading*** terminal ***and during loading or unloading of gasoline at a bulk gasoline plant***, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed:

(1) A pressure setting of 18.0 inches water column pressure ~~(10.4 oz/in^2)~~; ~~or~~ ***and***

(2) A vacuum setting of 5.9 inches water column vacuum ~~(3.4 oz/in^2)~~.

(c) During unloading of gasoline at a gasoline dispensing facility, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed a vacuum setting of 5.9 inches water column vacuum.

~~Env-Wm 1404.29~~ (d) If a cargo truck does not meet ~~both of~~ the ~~criteria~~ ***requirements*** specified in ***(b) or*** (c), above, ***as applicable,*** the owner or operator of the cargo truck shall repair and retest the truck within 15 days.

(e) The owner or operator of a cargo truck shall securely fasten all hatches on ~~a cargo~~ ***the*** truck ~~and only open the hatches during~~ ***except when access is needed to take a*** measurement of gasoline level or ***perform*** maintenance activities.

(~~a~~***f***) No person shall unload gasoline from a***ny*** cargo truck to a***ny*** gasoline storage tank at a***ny*** gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.05~~ ***Env-Or 504*** unless the owner or operator of the facility has installed ***and is maintaining as operational*** a ***certified*** stage I ***vapor recovery*** system ~~or department approved alternative, as specified in Env-Wm 1404.36~~.

~~(b) No person shall deliver gasoline to or receive gasoline from a bulk gasoline plant subject to Env-Wm 1404.05 unless the owner or operator of the plant and of the cargo truck has installed a stage I system or department approved alternative, as specified in Env-Wm 1404.36.~~ *covered by A 1217*

(~~e~~***g***) No person shall deliberately, ***recklessly,*** or negligently vent any ~~captured~~ vapors ***captured by the stage I system serving a cargo truck*** to the atmosphere.

(~~d~~***h***) No person shall deliberately, ***recklessly,*** or negligently mishandle gasoline ***being loaded to or unloaded from a cargo truck*** such that ~~it would result in evaporation~~ ***the gasoline could evaporate*** into the atmosphere~~,~~. ***For purposes of this section, mishandling*** includ~~ing~~***es*** but ***is*** not limited to spilling, discarding into a sewer ***or storm drain***, or storing in an open container.

~~Env-Wm 1404.32~~ ***Env-Or 507.04*** Testing Requirements for Cargo Trucks. The owner or operator of a cargo truck ~~delivering to or receiving from a gasoline storage tank subject to Env-Wm 1404.05~~ ***that is subject to this part*** shall***:***

(a) ***C***~~c~~onduct an annual certification test in accordance with 40 CFR ~~§~~63.425(e)***; and***

(b) If the cargo truck does not meet the applicable parameters specified in 40 CFR 63.425(e), undertake such repairs as are necessary and retest.

~~Env-Wm 1404.33~~ ***Env-Or 507.05*** Monitoring for Cargo Trucks. The department shall ~~at any time monitor~~ ***inspect*** a cargo truck to ~~confirm the existence of~~ ***determine whether the truck is*** leak tight and vapor tight ~~conditions~~ ***either:***

(a) Upon receipt of information that supports a reasonable conclusion that the truck might not be leak tight and vapor tight, including visual and olfactory information; or

(b) Pursuant to a routine inspection.

~~Env-Wm 1404.34~~ ***Env-Or 507.06*** Treatment of Vapor Requirements for Cargo Trucks. The owner or operator of a cargo truck ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** shall dispose of the vapors at ~~the~~ ***a*** bulk terminal ***equipped with a certified stage I vapor recovery system,*** ~~by~~ ***using*** the vapor collection system and vapor destruction methods described in Env-A ~~1204.40(b)(3), (4) and (5)~~ ***1217.06(c)***.

~~Env-Wm 1404.35~~ ***Env-Or 507.07*** Recordkeeping Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** shall maintain in the cargo truck at all times ~~and provide to the department upon request~~ the following:

(1) Documentation that the cargo truck has met the ~~specifications~~ ***requirements*** of ~~Env-Wm 1404.32~~ ***Env-Or 507.04;*** ~~and Method 27 of 40 CFR 60, Appendix A, including all of the information required pursuant to 40 CFR §60.505;~~

(2) Test results for both the pressure and vacuum tests ~~as~~ required by ~~Env-Wm 1404.32~~ ***Env-Or 507.04***; and

(3) Proof of compliance and the date of all tests conducted in accordance with the stage I testing requirements for cargo trucks as stated in this part, which shall be displayed on the cargo truck.

(b) The driver of a cargo truck that is subject to this part shall provide the documents listed in (a), above, to the department for inspection and copying upon request.

PART Env-Or 508 WAIVERS

~~Env-Wm 1404.36~~ ***Env-Or 508.01*** ~~Waivers~~ ***Applicability***. ~~(a)~~ An owner ***or operator*** ~~may request~~ ***who wishes to obtain*** a waiver ~~for any gasoline vapor recovery system, system component, or test method that is an alternative to which is specified by this part~~ ***from any rule in this chapter shall request the waiver as specified in Env-Or 508.02***.

Env-Or 508.02 Waiver Requests.

(a) Each request for a waiver shall be filed in writing by the owner or operator who is seeking the waiver.

(b) The person ~~seeking approval of the alternative~~ ***requesting the waiver*** shall ~~submit in writing to the department~~ ***provide*** the following information ***to the department***:

~~(1) A description of the proposed alternative system, system component, or test method for which the requested waiver is being sought;~~

(1) The name, mailing address, and daytime telephone number of the requestor and, if available, a fax number and e-mail address of the requestor;

(2) ~~A description~~ ***As applicable, the name, physical address, and site number*** of the facility to which the waiver request relates, ~~including the name, address, and registration number of the facility~~ ***or the registration number of the cargo truck to which the waiver would apply***;

(3) ~~A~~ ***The*** specific ~~reference to the section of the~~ rule ***section or paragraph*** for which a waiver is being ~~sought~~ ***requested***;

(4) A full explanation of ~~the alternatives for which~~ ***why*** a waiver is ~~sought~~ ***being requested***, ~~with backup calculations and data for support~~ ***including an explanation of the consequences of complying with the rule as written***; and

~~(5) Technical data and information demonstrating that:~~
~~a. An alternative which will accomplish the same purpose as the specified system or system component or test method; and~~
~~b. An alternative which will result in at least 95% vapor recovery.~~

(5) Whether the need for the waiver is temporary, and if so, the estimated length of time that the waiver will be needed;

(6) If applicable, a full explanation of the alternative that is proposed to be substituted for the requirement in the rule, including written documentation or data, or both, to support the alternative; and

(7) A full explanation of why the applicant believes that having the waiver granted will meet the criteria in Env-Or 508.03.

(c) The requestor shall sign and date the request.

(d) The signature shall constitute certification that:

(1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and

(2) The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.

Env-Or 508.03 Waiver Criteria.

(a) Subject to (b) and (c), below, the department shall grant a waiver if:

(1) Granting a waiver will not result in an adverse impact on the environment, public health, or public safety that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

a. Granting a waiver is consistent with the intent and purpose of the rule being waived; or

b. Strict compliance with the rule will provide no benefit to the public or the environment.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify any state statute, unless a waiver is expressly allowed by the statute that would be waived.

(c) No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted.

Env-Or 508.04 Decision on Waiver Requests; Conditions.

(~~e~~***a***) ***The department shall notify the requestor of the decision in writing w***~~W~~ithin 60 days of receipt of a ~~complete submission~~ ***request*** that meets the requirements of ~~(a), above, the department shall grant a waiver upon finding;~~ ***Env-Or 508.02.***

~~(1) The alternatives proposed are at least equivalent to the specific requirements contained in the rule; or~~

~~(2) If the alternatives proposed are not equivalent to the requirements contained in the rule, they are adequate to ensure that the intent of RSA 125-C and these rules is met.~~

(b) If the request is denied, the department shall identify the specific reason(s) for the denial.

(c) The department shall include such conditions in a waiver as are necessary to ensure that the criteria of Env-Or 508.03 will be met.

(d) If the need for a waiver is temporary, the waiver shall specify the date on which it will expire.

PART Env-Or 509 REFERENCE STANDARDS

~~Env-Wm 1404.37~~ ***Env-Or 509.01*** Reference Standards. A vapor recovery system for an underground or aboveground gasoline storage tank ***or cargo truck shall be designed, installed, tested, and*** certified for use ~~shall be~~ ***in accordance with one or more of the applicable reference standards listed below:***

(a) PEI/RP 300, "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites", Petroleum Equipment Institute, 2009 edition; and

(b) The CARB executive orders, approval letters, and test methods ~~as~~ set forth in table ~~1404-3~~ ***500-2***, below~~.~~***:***

Table ~~1404-3~~ ***500-2: CARB*** Reference Standards

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 2 – G	Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 4 – A	Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/23/77
G – 70 – 5	Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05/06/93
G – 70 – 6	Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04/26/77
G – 70 – 7 – AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03/22/93
G – 70 – 8	Modification of the Certification of the Chevron Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	07/13/77
G – 70 – 9 – A	Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tanks Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G – 70 – 10 – A	Modification of the Certification of ~~al~~ ***the*** Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G – 70 – 14 – AA	Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02/28/83
G – 70 – 17 – AD	Modification of the Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05/06/93
G – 70 – 18 – C	Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System	08/28/79
G – 70 – 20	Modification of the Certification of the Texaco Stage I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/21/78
G – 70 – 23 – AC	Recertification of the Exxon Balance Phase II Vapor Recovery System	04/29/96
G – 70 – 25 – AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02/08/83

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 33 – AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03/09/84
G – 70 – 34 – A	Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adaptor for Military Delivery Tanks to Include the Parker Hannifin F428A	08/13/79
G – 70 – 36 – AD	Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/18/92
G – 70 – 37 – B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01/22/80
G – 70 – 38 – AB	Recertification of the Texaco Balance Phase II Vapor Recovery System	12/19/90
G – 70 – 47 – B	Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 48 – AA	Recertification of the Mobile Oil Balance Phase II Vapor Recovery System	020/8/83
G – 70 – 49 – AA	Recertification of the Union Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 50	Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12/05/79
G – 70 – 52 – AM	Certification of the Components for Red Jacket, Hirt, and Bala2nce Phase II Vapor Recovery System	~~10/04/91~~ ***11/19/09***
G – 70 – 53 – AA	Recertification of the Chevron Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 70 – AC	Certification of the Healy Phase II Vapor Recovery System for Service Stations	06/23/92
G – 70 – 77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/15/82
G – 70 – 78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components	05/20/83
G – 70 – 97 – A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/09/85
G – 70 – 101 – B	Recertification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11/15/85
G – 70 – 102 – A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05/25/93
G – 70 – 106	Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01/27/86
G – 70 – 107	Certification of the rainbow Petroleum Products Model RA3003, RA3005, RA3006, and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05/15/86
G – 70 – 110	Certification of the Stage I and Stage II Vapor Recovery Systems for Methanol Fueling Facilities	01/20/87
G – 70 – 116 – F	ConVault Aboveground Tank Vapor Recovery System	11/30/95

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 118 – AB	Certification of the Amoco V-1 Vapor Recovery System	03/31/95
G – 70 – 125 – AA	Modification of the Certification of the Husky Model V Phase II Vapor Recovery Nozzle	03/16/93
G – 70 – 127	Certification of the OPW Model 111-V Phase II Vapor Recovery Nozzle	08/16/90
G – 70 – 128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System	08/27/90
G – 70 – 130 – A	Petrovault Aboveground Tank Vapor Recovery System	02/26/93
G – 70 – 131 – A	Tank Vault Aboveground Tank Vapor Recovery System	03/17/92
G – 70 – 132 – A	Supervault Aboveground Tank Vapor Recovery System	10/16/90
G – 70 – 132 – B	Supervault Aboveground Tank Vapor Recovery System	05/16/95
G – 70 – 134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery Nozzle	12/21/90
G – 70 – 136	FireSafe Aboveground Tank Vapor Recovery System	04/15/91
G – 70 – 137	FuelSafe Aboveground Tank Vapor Recovery System	10/4/91
G – 70 – 139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03/17/92
G – 70 – 140 – A	Integral Phase I and II Aboveground Configurations with the Healy Phase II Vapor Recovery System	07/1/92
G – 70 – 142 – B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09/09/94
G – 70 – 143	P/T Vault Aboveground Tank Vapor Recovery System	08/07/92
G – 70 – 147 – A	Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07/11/96
G – 70 – 148 – A	Lube Cube Aboveground Tank Vapor Recovery System	05/04/95
G – 70 – 150 – AE	Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07/12/00
G – 70 – 152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System	10/31/93
G – 70 – 153 – AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04/30/00
G – 70 – 154 – AA	Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06/10/97
G – 70 – 155	Petroleum Marketing Aboveground Tank Vapor Recovery System	03/12/94
G – 70 – 156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System	05/23/94
G – 70 – 157	Ecovault Aboveground Tank Balance Vapor Recovery System	05/23/94
G – 70 – 158 – A	Firesafe Aboveground Tank Vapor Recovery System	05/24/95
G – 70 – 159 – AB	Modification to the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System	07/17/95
G – 70 – 160	Above Ground Tank Vault Vapor Recovery System	11/09/94
G – 70 – 161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System	11/30/94

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 162 – A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System	02/15/95
G – 70 – 163 – AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System	09/04/96
G – 70 – 164 – AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12/10/96
G – 70 – 165	Healy Vacuum Assist Phase II Vapor Recovery System	04/20/95
G – 70 – 167	EnviroVault Aboveground Tank Vapor Recovery System	01/09/96
G – 70 – 168	Bryant Fuel Systems Phase I Vapor Recovery System	10/15/95
G – 70 – 169 – AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08/11/97
G – 70 – 170	Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02/22/96
G – 70 – 175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04/18/96
G – 70 – 177 – AA	Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	06/22/00
G – 70 – 179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System	07/02/97
G – 70 – 180	Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04/17/97
G – 70 – 183 – AA	Language Correction in Existing Executive Order G-70-183 (Healy/Franklin System)	06/29/01
G – 70 – 186	Certification of the Healy Model 400 ORVR Vapor Recovery System	10/26/98
G – 70 – 187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09/13/99
G – 70 – 188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05/18/99
G – 70 – 190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System	10/08/99
G – 70 – 191 – AA	Language Correction in Existing Executive Order G-70-191 (Healy Model 600 ORVR/800)	~~07/30/01~~ ***09/28/06***
G – 70 – 192	Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	11/24/99
G – 70 – 193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	~~12/09/99~~ ***11/07/07***
G – 70 – 194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System	05/11/00
G – 70 – 195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System	03/31/00
G – 70 – 196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12/30/00
G – 70 – 197	Synchrotek Fastflo 3 Phase II Vapor Recovery System	06/25/01
G – 70 – 198	Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06/04/01

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 199 – AH	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01/23/02
G – 70 – 200	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04/22/02
G – 70 – 201	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04/22/02
G – 70 – 202	Oldcastle Aboveground Below – Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04/22/02
Approval Letter #07-08	***Catlow Model CTMVA Cam Twist Breakaway***	***11/07/07***
VR – 101 – B	Phil-Tite Phase I Enhanced Vapor Recovery System with Ball Float Overfill Prevention	07/12/02
VR – 102 – A	OPW Phase I Vapor Recovery System	10/10/02
VR-203-A	***Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)***	***11/05/07***
Approval Letter #09-02	***Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems***	***06/01/09***
TP-201.1E	***Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves***	***10/08/03***
CP-201	***Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities***	***02/09/05***

Appendix A: Incorporation by Reference Information

Rule Section	**Title**	**Dated**	**Obtain at:**
Env-Or 504.09(a)	CARB TP 201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10-03-2008	
Env-Or 504.10(a); Env-Or 505.12	CARB TP 201.3 Pressure Decay	03-17-1999	
Env-Or 505.03(b)	Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300, Section 14, Decommissioning Stage II Vapor Recovery Piping	2009	
Env-Or 505.12	CARB TP 201.4 Dynamic Back Pressure	07-03-2002	
	CARB TP 201.5 Air to Liquid Ratio	02-01-2001	

Appendix B: State and Federal Statutes Implemented

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Appendix C: Definitions from State Statutes

RSA 125-C:2, II: "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

RSA 125-C:2, VIII: "Emission" means a release into the outdoor air of air contaminants.

Appendix D: *PV Vent Cap Pressure and Vacuum Requirements* in effect immediately prior to the effective date of this chapter

Env-Wm 1404.06 Stage I Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an underground gasoline storage tank as follows:

(1) For pressure, 13.8 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 0.9 inches water column vacuum (0.5 oz/in^2).

(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:

(1) For pressure, the lower of the following two values:

a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or

b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in^2).

Env-Wm 1404.18 Stage II Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install a stage II system with a PV vent cap setting as follows:

(1) For pressure, 3.0 inches water column pressure (1.7 oz/in^2); and

(2) For vacuum, 8.0 inches water column vacuum (4.6 oz/in^2).

FISCAL IMPACT STATEMENT

LBAO
FIS 12:109
08/06/12

Fiscal Impact Statement for Department of Environmental Services rules governing Recovery of Gasoline Vapors. [Env-Or 500 (currently Env-Wm 1404)]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs for state citizens, political subdivisions, and independently owned businesses to the extent they own and/or operate gasoline dispensing facilities.

2. Cite the Federal mandate. Identify the impact on state funds:

42 U.S.C 7511a (b) (3) requires states with moderate ozone nonattainment areas to require all owners or operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles. Additionally, 42 U.S.C. 7511c created the Ozone Transport Region, which New Hampshire is a part of, and requires states in the Ozone Transport Region to adopt Reasonably Available Control Technology for volatile organic compounds (VOC) emissions after the EPA issues appropriate guidance. The EPA has issued guidance for gasoline vapor recovery, and as a result New Hampshire is required to adopt Stage I requirements. The EPA also adopted a National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities at 40 CFR 63, subpart CCCCCC. There is no impact on state funds.

3. Cost and benefits of the proposed rule(s):

To the extent a state citizen or independently owned business own gasoline dispensing facilities, they may have minimal costs associated with reporting to the Department within 30 days of attaining threshold for stage I regulation, reporting annually any stage I facility in any county that meets or exceeds threshold for once-every-3-year testing, and the requirement to repair a dry break adaptor that is not a swivel type with a swivel type adapter. The Department indicates owners/operators are able to submit required reports to the Department via email, which may result in costs of reporting being de minimus. The Department also indicates the cost of a non-swivel adapter is $90 and the cost of a swivel adapter is $200, increasing the cost by $110. The Department has no information on how frequently adapters need to be replaced but estimates it is infrequently. Political subdivisions that own gasoline dispensing facilities are exempted by the rules from the non-federal requirements that would impose costs other than the minimal costs of notifying the Department if certain regulatory thresholds are met.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

See 3 above.

C. To independently owned businesses:

See 3 above.

RULEMAKING NOTICE FILING

STATE OF NEW HAMPSHIRE

DATE August 7, 2012

FROM Thomas S. Burack
Commissioner

AT (OFFICE) DES

SUBJECT Rulemaking Notice

TO Office of Legislative Services
Division of Administrative Rules

In accordance with NH RSA 541-A:3, I, enclosed please find the Rulemaking Notice, Fiscal Impact Statement, and Initial Proposal for the following rules:

Env-Or 500 (currently Env-Wm 1404): Recovery of Gasoline Vapors

Questions from OLS regarding the Rulemaking Notice should be directed to Gretchen Hamel at 271-3137.

Questions from the public regarding the proposed rules, public hearing, or public comment period should be directed to Mike Juranty at (603) 271-6058.

Enclosures

cc: Gretchen Hamel, DES Legal Unit Administrator

ec: K. Allen Brooks, Chief, AGO-Environmental Protection Bureau
Mike Juranty, P.E., DES WMD Oil Compliance Section Supervisor
NH Business & Industry Association
NH Association of Conservation Commissions
Environmental Managers Association
Environmental Protection Agency, Region I, Attn: Anne Arnold
Chair, NHBA Environmental Law Section
USAF Regional Compliance Office
US Army Northern Regional Compliance Office
Conservation Law Foundation
NH Municipal Association
Independent Oil Marketers Association of New England

RULEMAKING NOTICE

Notice Number _____ Rule Number Env-Or 500 (currently Env-Wm 1404)

1. Agency Name & Address:

NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority: RSA 125-C:4, I(a)

3. Federal Authority: 42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

4. Type of Action:

Adoption	X
Amendment	
Repeal	
Readoption	
Readoption w/amendment	

5. Short Title: Recovery of Gasoline Vapors

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules, Env-Wm 1404, regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with §182(b)(3) and §184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The rules are due to expire on August 21, 2012, and are proposed to be readopted with amendment so as to continue the vapor recovery program. The amendments are primarily intended to (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217; and (4) redesignate the rules into the Env-Or (Oil and Remediation) subtitle. Some additional recordkeeping, reporting, and testing requirements also are proposed.

Pursuant to RSA 541-A:14-a, I, the existing rules (Env-Wm 1404) will continue in effect for the duration of this readoption proceeding.

The specific changes that are not strictly for clarity are as follows:

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
1	1404.02(o)	502.12	Definition of "leak free": deletes allowance for "leak free" to include leakage of up to 3 drops/minute of gasoline when the system is pressurized (*i.e.*, "leak free" will mean "no leaks")
2		503.03	Throughput recordkeeping required: adds requirement for owner or operator (O/O) of any gasoline tank ≥250 gallons to maintain records on throughput volume for not less than 3 years and to provide records to DES or EPA upon request
3		503.04	Required throughput reporting: adds requirement for O/O of any gasoline tank ≥250 gallons to report throughput to DES within 30 days of attaining threshold for stage I regulation
4	1404.06	504.02	Stage I equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years
5	1404.08	504.05	Stage I monthly inspections: eliminates option to repair a dry break adaptor that is not a swivel type (must replace with swivel-type adaptor); exception made for political subdivisions due to the cost of swivel-type adaptors

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
6	1404.11	504.07	Stage I testing: adds requirement for tanks at gasoline dispensing facilities ("GDFs") where throughput is ≥100,000 gallons/ month to test at least once every 3 years; adds requirement for DES to oversee testing if is being done based on volume or failure of system to operate properly
7	1404.12(b)	504.09	PV Vent Caps: replaces listed test procedures with cross-reference to CARB TP 201.1E (NESHAP requirement); replaces criteria for passing test with NESHAP criteria; requires replacement of cap with NESHAP cap if cap fails
8	1404.16	504.11	Compliance schedule for stage I systems: establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years when rules take effect; establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years after rules take effect
9	1404.17(c)-(e)	505.02	Exemptions from stage II requirements: deletes exemption for fleet facilities (never used)
10	1404.17(f)-(i)	505.03	Decommissioning stage II systems: adds requirement (inadvertently omitted when section amended last year) to continue PV vent cap testing
11	1404.18	505.04	Stage II equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years
12	1404.23	505.10	Stage II testing: establishes deadline for testing after backfill, pavement, or concrete work around stage II equipment
13	1404.15(e)	506.01	Required throughput reporting: replaces annual reporting by stage I facilities in "stage II counties" with annual reporting by any stage I facility in any county if meet or exceed threshold for once-every-3-years testing
14	1404.31	507.03	Operational requirements for cargo trucks: adds requirement for O/O to verify that the cargo truck has a back pressure ≤ 5.9 inches water column vacuum when unloading gasoline at a GDF
15		508.02	Waiver requests: adds explicit requirement for waiver requests to be signed
16		508.03	Waiver criteria: adds explicit list of criteria for granting waivers
17	1404.37	509.01	Reference standards: adds 6 references to list of acceptable standards

6. (b) Brief description of the groups affected:

Different groups will be affected by different parts of the rules, as follows:

Part(s)	Applies to Owners/Operators of
Env-Or 503	Gasoline storage tanks having a capacity of 250 gallons or greater at gasoline dispensing facilities.
Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509 ("Stage I")	Any gasoline dispensing facility, including those at airports and marinas, that has any gasoline storage tank with a capacity equal to or greater than 1,100 gallons of gasoline or has a total facility throughput of equal to or greater than 10,000 gallons of gasoline per rolling 30-day period .

Part(s)	Applies to Owners/Operators of
ADD Env-Or 505 ("Stage II")	Any gasoline dispensing facility that is subject to Stage I requirements and (1) is located in Hillsborough, Merrimack, Rockingham, or Strafford county; (2) does not qualify for an exemption, and (3) has a throughput equal to or greater than 35,000 gallons per rolling 30-day period or was constructed after November 15, 1990, regardless of the amount of throughput. Facilities are exempt if they service only motorized water vessels, airplanes, or agricultural equipment. Facilities are exempt from requirements other than certain testing and notification requirements if they decommission (or do not install) stage II equipment.
Env-Or 507, Env-Or 508, and applicable reference standards in Env-Or 509	Any cargo truck that delivers gasoline to any gasoline dispensing facility that meets the applicability criteria for Stage I.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Michael W. Juranty, P.E.
Title: Supervisor, Oil Compliance Section
Address: NH Dept. of Environmental Services
29 Hazen Drive; P.O. Box 95
Concord, NH 03302-0095
Phone #: (603) 271-6058
Fax#: (603) 271-2182
E-mail: Michael.Juranty@des.nh.gov

The rules also can be viewed in PDF at http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, September 28, 2012, 4:00 PM**

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, September 21, 2012 at 11:00 AM**

Place: **Rooms 112-113, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 12:109 , dated 08/06/12 :

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs for state citizens, political subdivisions, and independently owned businesses to the extent they own and/or operate gasoline dispensing facilities.

2. Cite the Federal mandate. Identify the impact on state funds:

42 U.S.C. 7511a (b) (3) requires states with moderate ozone nonattainment areas to require all owners or operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles. Additionally, 42 U.S.C. 7511c created the Ozone Transport Region, which New Hampshire is a part of, and requires states in the Ozone Transport Region to adopt Reasonably Available Control Technology for volatile organic compounds (VOC) emissions after the EPA issues appropriate guidance. The EPA has issued guidance for gasoline vapor recovery, and as a result New Hampshire is required to adopt Stage I requirements. The EPA also adopted a National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities at 40 CFR 63, subpart CCCCCC. There is no impact on state funds.

3. Cost and benefits of the proposed rule(s):

To the extent a state citizen or independently owned business own gasoline dispensing facilities, they may have minimal costs associated with reporting to the Department within 30 days of attaining threshold for state I regulation, reporting annually any stage I facility in any county that meets or exceeds threshold for onece-every-3-year testing, and the requirement to repair a dry break adaptor that is not a swivel type with a swivel type adaptor. The Department indicates owners/operators are able to submit required reports to the Department via email, which may result in costs of reporting being de minimis. The Department also indicates the cost of a non-swivel adapter is $90 and the cost of a swivel adaptor, increasing the cost by $110. The Department has no information on how frequently adapters need to be replaced but estimates it is infrequently. Political subdivisions that own gasoline dispensing facilities are exempted by the rules from the non-federal requirements that would impose costs other than the minimal costs of notifying the Department if certain regulatory thresholds are met.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

See 3 above.

C. To independently owned businesses:

See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Political subdivisions are exempt from any requirement that is not required under federal law that imposes a cost. The rules thus do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate local expenditures, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.

RULEMAKING REGISTER

NEW HAMPSHIRE
RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES
ROOM 219, STATE HOUSE ANNEX
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312
Tel. (603) 271-3680
Website: www.gencourt.state.nh.us/rules/index.html

Fax (603) 271-7871

TDD Access:
Relay NH 1-800-735-2964

VOLUME XXXII, Number 33, August 16, 2012

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1. OFFICE OF LEGISLATIVE SERVICES — Page No.

a. List of Notices of Proposed Rules NN 2012-111 through NN 2012-115 — -i-

b. Notices of Proposed Rules — 1

NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

REGULAR MEETING: **Thursday, August 16, 2012** 9:00 a.m.
Rooms 305/307, Legislative Office Building

CONTINUED MEETING **Thursday, September 6, 2012** 9:00 a.m.
Rooms 305/307, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES AUGUST-DECEMBER, 2012

The JLCAR has voted to hold its regularly scheduled monthly meetings for August through December, 2012 on the third Thursdays listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
August 2	**August 16**	September 6
September 6	**September 20**	October 4
October 4	**October 18**	November 1
November 1	**November 15**	December 6
December 6	**December 20**	None

Notice Number 2012-111 Rule Number Env-Or 500 (currently Env-Wm 1404)

1. Agency Name & Address:

NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority: RSA 125-C:4, I(a)

3. Federal Authority: 42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

4. Type of Action:

Adoption	
Amendment	
Repeal	
Readoption	
Readoption w/amendment	X

5. Short Title: Recovery of Gasoline Vapors

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules, Env-Wm 1404, regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with §182(b)(3) and §184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The rules are due to expire on August 21, 2012, and are proposed to be readopted with amendment so as to continue the vapor recovery program. **Pursuant to RSA 541-A:14-a, I, the existing rules (Env-Wm 1404) will continue in effect for the duration of this readoption proceeding.**

The amendments are primarily intended to (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217; and (4) redesignate the rules into the Env-Or (Oil and Remediation) subtitle. Some additional recordkeeping, reporting, and testing requirements also are proposed. The specific changes that are not strictly for clarity are as follows:

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
1	1404.02(o)	502.12	Definition of "leak free": deletes allowance for "leak free" to include leakage of up to 3 drops/minute of gasoline when the system is pressurized (*i.e.*, "leak free" will mean "no leaks")
2		503.03	Throughput recordkeeping required: adds requirement for owner or operator (O/O) of any gasoline tank ≥250 gallons to maintain records on throughput volume for not less than 3 years and to provide records to DES or EPA upon request
3		503.04	Required throughput reporting: adds requirement for O/O of any gasoline tank ≥250 gallons to report throughput to DES within 30 days of attaining threshold for stage I regulation
4	1404.06	504.02	Stage I equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years
5	1404.08	504.05	Stage I monthly inspections: eliminates option to repair a dry break adaptor that is not a swivel type (must replace with swivel-type adaptor); exception made for political subdivisions due to the cost of swivel-type adaptors

NN 2012-111 Continued

(Item 6.(a) continued)

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
6	1404.11	504.07	Stage I testing: adds requirement for tanks at gasoline dispensing facilities ("GDFs") where throughput is ≥100,000 gallons/ month to test at least once every 3 years; adds requirement for DES to oversee testing if is being done based on volume or failure of system to operate properly
7	1404.12(b)	504.09	PV Vent Caps: replaces listed test procedures with cross-reference to CARB TP 201.1E (NESHAP requirement); replaces criteria for passing test with NESHAP criteria; requires replacement of cap with NESHAP cap if cap fails
8	1404.16	504.11	Compliance schedule for stage I systems: establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years when rules take effect; establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years after rules take effect
9	1404.17(c)-(e)	505.02	Exemptions from stage II requirements: deletes exemption for fleet facilities (never used)
10	1404.17(f)-(i)	505.03	Decommissioning stage II systems: adds requirement (inadvertently omitted when section amended last year) to continue PV vent cap testing
11	1404.18	505.04	Stage II equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years
12	1404.23	505.10	Stage II testing: establishes deadline for testing after backfill, pavement, or concrete work around stage II equipment
13	1404.15(e)	506.01	Required throughput reporting: replaces annual reporting by stage I facilities in "stage II counties" with annual reporting by any stage I facility in any county if meet or exceed threshold for once-every-3-years testing
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16		508.03	Waiver criteria: adds explicit list of criteria for granting waivers
17	1404.37	509.01	Reference standards: adds 6 references to list of acceptable standards

NN 2012-111 Continued

6. (b) Brief description of the groups affected:

Different groups will be affected by different parts of the rules, as follows:

Part(s)	Applies to Owners/Operators of
Env-Or 503	Gasoline storage tanks having a capacity of 250 gallons or greater at gasoline dispensing facilities.
Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509 ("Stage I")	Any gasoline dispensing facility, including those at airports and marinas, that has any gasoline storage tank with a capacity equal to or greater than 1,100 gallons of gasoline or has a total facility throughput of equal to or greater than 10,000 gallons of gasoline per rolling 30-day period .

Part(s)	Applies to Owners/Operators of
ADD Env-Or 505 ("Stage II")	Any gasoline dispensing facility that is subject to Stage I requirements and (1) is located in Hillsborough, Merrimack, Rockingham, or Strafford county; (2) does not qualify for an exemption, and (3) has a throughput equal to or greater than 35,000 gallons per rolling 30-day period or was constructed after November 15, 1990, regardless of the amount of throughput. Facilities are exempt if they service only motorized water vessels, airplanes, or agricultural equipment. Facilities are exempt from requirements other than certain testing and notification requirements if they decommission (or do not install) stage II equipment.
Env-Or 507, Env-Or 508, and applicable reference standards in Env-Or 509	Any cargo truck that delivers gasoline to any gasoline dispensing facility that meets the applicability criteria for Stage I.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
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Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Michael W. Juranty, P.E.
Title: Supervisor, Oil Compliance Section
Address: NH Dept. of Environmental Services
29 Hazen Drive; P.O. Box 95
Concord, NH 03302-0095
Phone #: (603) 271-6058
Fax#: (603) 271-2182
E-mail: Michael.Juranty@des.nh.gov

The rules also can be viewed in PDF at
http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2012-111 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, September 28, 2012, 4:00 PM**

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, September 21, 2012 at 11:00 AM**

Place: **Rooms 112-113, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 12:109 , dated 08/06/12 :

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs for state citizens, political subdivisions, and independently owned businesses to the extent they own and/or operate gasoline dispensing facilities.

2. Cite the Federal mandate. Identify the impact on state funds:

42 U.S.C. 7511a (b) (3) requires states with moderate ozone nonattainment areas to require all owners or operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles. Additionally, 42 U.S.C. 7511c created the Ozone Transport Region, which New Hampshire is a part of, and requires states in the Ozone Transport Region to adopt Reasonably Available Control Technology for volatile organic compounds (VOC) emissions after the EPA issues appropriate guidance. The EPA has issued guidance for gasoline vapor recovery, and as a result New Hampshire is required to adopt Stage I requirements. The EPA also adopted a National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities at 40 CFR 63, subpart CCCCCC. There is no impact on state funds.

3. Cost and benefits of the proposed rule(s):

To the extent a state citizen or independently owned business own gasoline dispensing facilities, they may have minimal costs associated with reporting to the Department within 30 days of attaining threshold for state I regulation, reporting annually any stage I facility in any county that meets or exceeds threshold for onece-every-3-year testing, and the requirement to repair a dry break adaptor that is not a swivel type with a swivel type adaptor. The Department indicates owners/operators are able to submit required reports to the Department via email, which may result in costs of reporting being de minimis. The Department also indicates the cost of a non-swivel adapter is $90 and the cost of a swivel adaptor, increasing the cost by $110. The Department has no information on how frequently adapters need to be replaced but estimates it is infrequently. Political subdivisions that own gasoline dispensing facilities are exempted by the rules from the non-federal requirements that would impose costs other than the minimal costs of notifying the Department if certain regulatory thresholds are met.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

See 3 above.

C. To independently owned businesses:

See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Political subdivisions are exempt from any requirement that is not required under federal law that imposes a cost. The rules thus do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate local expenditures, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.

ANNOTATIONS TO INITIAL PROPOSAL FROM THE OFFICE OF LEGISLATIVE SERVICES

MM

AUG 0 8 2012

10/25

RULEMAKING NOTICE

Notice Number 2012-111 Rule Number Env-Or 500 (currently Env-Wm 1404)

1. Agency Name & Address:

NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority: RSA 125-C:4, I(a)

3. Federal Authority: 42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

4. Type of Action:

Adoption	
Amendment	
Repeal	
Readoption	
Readoption w/amendment	X

5. Short Title: Recovery of Gasoline Vapors

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules, Env-Wm 1404, regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with §182(b)(3) and §184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The rules are due to expire on August 21, 2012, and are proposed to be readopted with amendment so as to continue the vapor recovery program. **Pursuant to RSA 541-A:14-a, I, the existing rules (Env-Wm 1404) will continue in effect for the duration of this readoption proceeding.**

The amendments are primarily intended to (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217; and (4) redesignate the rules into the Env-Or (Oil and Remediation) subtitle. Some additional recordkeeping, reporting, and testing requirements also are proposed. The specific changes that are not strictly for clarity are as follows:

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
1	1404.02(o)	502.12	Definition of "leak free": deletes allowance for "leak free" to include leakage of up to 3 drops/minute of gasoline when the system is pressurized (*i.e.*, "leak free" will mean "no leaks")
2		503.03	Throughput recordkeeping required: adds requirement for owner or operator (O/O) of any gasoline tank ≥250 gallons to maintain records on throughput volume for not less than 3 years and to provide records to DES or EPA upon request
3		503.04	Required throughput reporting: adds requirement for O/O of any gasoline tank ≥250 gallons to report throughput to DES within 30 days of attaining threshold for stage I regulation
4	1404.06	504.02	Stage I equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years
5	1404.08	504.05	Stage I monthly inspections: eliminates option to repair a dry break adaptor that is not a swivel type (must replace with swivel-type adaptor); exception made for political subdivisions due to the cost of swivel-type adaptors

#	Current Rule (Env-Wm)	Proposed Rule (Env-Or)	Proposed revision
6	1404.11	504.07	Stage I testing: adds requirement for tanks at gasoline dispensing facilities ("GDFs") where throughput is ≥100,000 gallons/ month to test at least once every 3 years; adds requirement for DES to oversee testing if is being done based on volume or failure of system to operate properly
7	1404.12(b)	504.09	PV Vent Caps: replaces listed test procedures with cross-reference to CARB TP 201.1E (NESHAP requirement); replaces criteria for passing test with NESHAP criteria; requires replacement of cap with NESHAP cap if cap fails
8	1404.16	504.11	Compliance schedule for stage I systems: establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years when rules take effect; establishes 180-day deadline for GDFs that meet criteria for testing once every 3 years after rules take effect
9	1404.17(c)-(e)	505.02	Exemptions from stage II requirements: deletes exemption for fleet facilities (never used)
10	1404.17(f)-(i)	505.03	Decommissioning stage II systems: adds requirement (inadvertently omitted when section amended last year) to continue PV vent cap testing
11	1404.18	505.04	Stage II equipment: changes pressure & vacuum settings for PV vent caps to reflect NESHAP requirements, but allows continued use of existing PV vent caps that meet the current standard for up to 3 years
12	1404.23	505.10	Stage II testing: establishes deadline for testing after backfill, pavement, or concrete work around stage II equipment
13	1404.15(e)	506.01	Required throughput reporting: replaces annual reporting by stage I facilities in "stage II counties" with annual reporting by any stage I facility in any county if meet or exceed threshold for once-every-3-years testing
14	1404.31	507.03	Operational requirements for cargo trucks: adds requirement for O/O to verify that the cargo truck has a back pressure ≤ 5.9 inches water column vacuum when unloading gasoline at a GDF
15		508.02	Waiver requests: adds explicit requirement for waiver requests to be signed
16		508.03	Waiver criteria: adds explicit list of criteria for granting waivers
17	1404.37	509.01	Reference standards: adds 6 references to list of acceptable standards

6. (b) Brief description of the groups affected:

Different groups will be affected by different parts of the rules, as follows:

Part(s)	Applies to Owners/Operators of
Env-Or 503	Gasoline storage tanks having a capacity of 250 gallons or greater at gasoline dispensing facilities.
Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509 ("Stage I")	Any gasoline dispensing facility, including those at airports and marinas, that has any gasoline storage tank with a capacity equal to or greater than 1,100 gallons of gasoline or has a total facility throughput of equal to or greater than 10,000 gallons of gasoline per rolling 30-day period .

Part(s)	Applies to Owners/Operators of
ADD Env-Or 505 ("Stage II")	Any gasoline dispensing facility that is subject to Stage I requirements and (1) is located in Hillsborough, Merrimack, Rockingham, or Strafford county; (2) does not qualify for an exemption, and (3) has a throughput equal to or greater than 35,000 gallons per rolling 30-day period or was constructed after November 15, 1990, regardless of the amount of throughput. Facilities are exempt if they service only motorized water vessels, airplanes, or agricultural equipment. Facilities are exempt from requirements other than certain testing and notification requirements if they decommission (or do not install) stage II equipment.
Env-Or 507, Env-Or 508, and applicable reference standards in Env-Or 509	Any cargo truck that delivers gasoline to any gasoline dispensing facility that meets the applicability criteria for Stage I.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Michael W. Juranty, P.E.
Title: Supervisor, Oil Compliance Section
Address: NH Dept. of Environmental Services
29 Hazen Drive; P.O. Box 95
Concord, NH 03302-0095
Phone #: (603) 271-6058
Fax#: (603) 271-2182
E-mail: Michael.Juranty@des.nh.gov

The rules also can be viewed in PDF at http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, September 28, 2012, 4:00 PM**

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, September 21, 2012 at 11:00 AM**

Place: **Rooms 112-113, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 12:109 , dated 08/06/12 :

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
   When compared to the existing rules, the proposed rules may increase costs for state citizens, political subdivisions, and independently owned businesses to the extent they own and/or operate gasoline dispensing facilities.

2. **Cite th Federal mandate. Identify the impact on state funds:**
   42 U.S.C. 7511a (b) (3) requires states with moderate ozone nonattainment areas to require all owners or operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles. Additionally, 42 U.S.C. 7511c created the Ozone Transport Region, which New Hampshire is a part of, and requires states in the Ozone Transport Region to adopt Reasonably Available Control Technology for volatile organic compounds (VOC) emissions after the EPA issues appropriate guidance. The EPA has issued guidance for gasoline vapor recovery, and as a result New Hampshire is required to adopt Stage I requirements. The EPA also adopted a National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities at 40 CFR 63, subpart CCCCCC. There is no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**
   To the extent a state citizen or independently owned business own gasoline dispensing facilities, they may have minimal costs associated with reporting to the Department within 30 days of attaining threshold for state I regulation, reporting annually any stage I facility in any county that meets or exceeds threshold for onece-every-3-year testing, and the requirement to repair a dry break adaptor that is not a swivel type with a swivel type adaptor. The Department indicates owners/operators are able to submit required reports to the Department via email, which may result in costs of reporting being de minimis. The Department also indicates the cost of a non-swivel adapter is $90 and the cost of a swivel adaptor, increasing the cost by $110. The Department has no information on how frequently adapters need to be replaced but estimates it is infrequently. Political subdivisions that own gasoline dispensing facilities are exempted by the rules from the non-federal requirements that would impose costs other than the minimal costs of notifying the Department if certain regulatory thresholds are met.

   A. **To State general or State special funds:**
      None.

   B. **To State citizens and political subdivisions:**
      See 3 above.

   C. **To independently owned businesses:**
      See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

    Political subdivisions are exempt from any requirement that is not required under federal law that imposes a cost. The rules thus do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate local expenditures, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.

LBAO
FIS 12:109
08/06/12

Fiscal Impact Statement for Department of Environmental Services rules governing Recovery of Gasoline Vapors. [Env-Or 500 (currently Env-Wm 1404)]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs for state citizens, political subdivisions, and independently owned businesses to the extent they own and/or operate gasoline dispensing facilities.

2. Cite the Federal mandate. Identify the impact on state funds:

42 U.S.C 7511a (b) (3) requires states with moderate ozone nonattainment areas to require all owners or operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles. Additionally, 42 U.S.C. 7511c created the Ozone Transport Region, which New Hampshire is a part of, and requires states in the Ozone Transport Region to adopt Reasonably Available Control Technology for volatile organic compounds (VOC) emissions after the EPA issues appropriate guidance. The EPA has issued guidance for gasoline vapor recovery, and as a result New Hampshire is required to adopt Stage I requirements. The EPA also adopted a National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities at 40 CFR 63, subpart CCCCCC. There is no impact on state funds.

3. Cost and benefits of the proposed rule(s):

To the extent a state citizen or independently owned business own gasoline dispensing facilities, they may have minimal costs associated with reporting to the Department within 30 days of attaining threshold for stage I regulation, reporting annually any stage I facility in any county that meets or exceeds threshold for once-every-3-year testing, and the requirement to repair a dry break adaptor that is not a swivel type with a swivel type adapter. The Department indicates owners/operators are able to submit required reports to the Department via email, which may result in costs of reporting being de minimus. The Department also indicates the cost of a non-swivel adapter is $90 and the cost of a swivel adapter is $200, increasing the cost by $110. The Department has no information on how frequently adapters need to be replaced but estimates it is infrequently. Political subdivisions that own gasoline dispensing facilities are exempted by the rules from the non-federal requirements that would impose costs other than the minimal costs of notifying the Department if certain regulatory thresholds are met.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

See 3 above.

C. To independently owned businesses:

See 3 above.

Change the heading of Env-Wm 1404 and renumber as Env-Or 500 as follows:

~~PART Env-Wm 1404~~ ***CHAPTER Env-Or 500*** ~~VOLATILE ORGANIC COMPOUNDS (VOCs):~~
RECOVERY OF GASOLINE ***VAPORS*** ~~DISPENSING FACILITIES, BULK GASOLINE PLANTS, AND CARGO TRUCKS~~

Statutory Authority: RSA 125-C:4, I(a); RSA 125-C:6, II~~,~~ ***&*** XIV~~; RSA 125-C:11, I; RSA 125-C:12, IV~~

Insert a heading for Env-Or 501 as follows:
PART Env-Or 501 PURPOSE; APPLICABILITY

It appears that incorporation by reference statements will be needed for all CAARB materials referenced. See highlighted rules.

Readopt with amendment Env-Wm 1404.01 through Env-Wm 1404.16, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 501.01 through Env-Or 504.11, to read as follows:

~~Env-Wm 1404~~ ***Env-Or 501***.01 Purpose. The purpose of this part is to regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, ~~bulk gasoline plants,~~ and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended.

~~Env-Wm 1404~~ ***Env-Or 501***.02 ~~Scope~~ ***Applicability***. This ~~part~~ ***chapter*** shall apply to ~~certain~~ gasoline storage tanks, gasoline dispensing facilities, ~~bulk gasoline plants,~~ and cargo trucks~~.~~ ***as follows:***

(a) Env-Or 503 shall apply to all gasoline storage tanks having a capacity of 250 gallons or greater;

~~Env-Wm 1404.05~~ (a***b***) ~~The owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant shall comply with the stage I requirements of Env-Wm 1404.05 through Env-Wm 1404.16 if~~ ***Env-Or 504, Env-Or 506, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any gasoline dispensing facility, including those at airports and marinas, that***:

(1) ~~The~~ ***Has any gasoline storage*** tank ~~has~~ ***with*** a capacity equal to or greater than 1,100 gallons of gasoline; or

(2) ~~The~~ ***Has a*** total ~~annual~~ ***facility*** throughput of ~~the facility or plant is~~ equal to or greater than ~~120,000~~ ***10,000*** gallons of gasoline per ~~year.~~ ***rolling 30-day period;***

(c) Env-Or 505 shall apply to any gasoline dispensing facility that:

(1) Is subject to stage I requirements; and

(2) Meets the criteria specified in Env-Or 505.01(a); and

~~Env-Wm 1404.05~~ (d) ~~The owner or operator of a cargo truck which delivers to a gasoline dispensing facility or bulk gasoline plant shall comply with the stage requirements of Env-Wm 1404.29 through Env-Wm 1404.35 if the~~ ***Env-Or 507, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any*** cargo truck~~:~~ ***that*** ~~(1) D~~***d***elivers gasoline to any gasoline dispensing facility ~~or bulk gasoline plant which~~ ***that*** meets ~~one of~~ the applicability criteria for stage I as stated in ~~Env-Wm 1404.05~~ ***(b), above.*** ~~; or (2) Receives gasoline from a bulk gasoline plant which meets the applicability criteria for stage I as stated in Env-Wm 1404.05.~~

~~Env-Wm 1404.05(e)~~ ***Env-Or 501.03*** ***Cargo Trucks at Bulk Facilities.*** ~~For~~ ***The owner or operator of a****ny* cargo truck ~~receiving~~ ***that receives*** gasoline from a bulk gasoline loading terminal as defined in Env-A ~~1204.03(k),~~ ***1202.22 or that delivers gasoline to or receives gasoline from a bulk gasoline plant as defined in Env-A 1202.23*** ~~the owner or operator~~ shall comply with the vapor recovery requirements in Env-A ~~1204.40~~ ***1217.***

PART Env-Or 502 DEFINITIONS

~~Env-Wm 1404.03 Definitions.~~

~~(aj)~~ ***Env-Or 502.01*** "~~Two~~ ***2***-point system" means a type of stage I system which uses a vapor return connection at the gasoline storage tank or at the manifold that is independent of the fill connection~~.~~***, for which s***~~S~~eparate connections are made for ~~both~~ the gasoline and vapor recovery hoses. This is also known as a "dual-point system."

~~(a)~~ ***Env-Or 502.02*** "Air contaminant" means "air contaminant" as defined in RSA 125-C:2, II, ~~namely "soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof."~~ ***as reprinted in Appendix C.***

~~(b) "Annual" means a time period from January 1 of a calendar year through December 31 of the same year.~~

~~(c) "Applicant" means a person who requests a permit or other form of license.~~

~~(d)~~ ***Env-Or 502.03*** "Assist system" means a type of stage II system which uses a vacuum pump to assist the transfer of displaced vapors from a motor vehicle ~~gasoline~~ ***fuel*** tank into a gasoline storage tank at a gasoline dispensing facility.

~~(e)~~ ***Env-Or 502.04*** "Balance system" means a type of stage II system which relies on a tight seal between the nozzle and the vehicle fill port which causes the displacement and transfer of vapors from a motor vehicle fuel tank into a gasoline storage tank.

~~(f) "Bulk gasoline plant" means a gasoline storage and distribution facility with a daily throughput of less than 76,000 liters (20,000 gallons) which receives gasoline from bulk terminals by cargo truck, stores gasoline in tanks, and subsequently dispenses gasoline via cargo trucks to local farms, businesses, and gasoline dispensing facilities.~~

~~(g) "Bulk terminal" means a gasoline storage and distribution facility with a daily throughput of greater than 76,000 liters (20,000 gallons) and subsequently dispenses gasoline via cargo truck to a bulk gasoline plant.~~

~~(h)~~ ***Env-Or 502.05*** "Cargo truck" means any motor vehicle designed ***or used to*** ~~for~~ transport~~ing~~ or deliver~~ing~~ gasoline. ***The term includes "gasoline tank truck" as used in Env-A 1217 and "gasoline cargo tank" as used in 40 CFR Part 63, Subpart CCCCCC.***

~~(i)~~ ***Env-Or 502.06*** "Certified vapor recovery system" means a vapor recovery system ***that is*** configured, ***certified,*** and operated as specified in ~~Env-Wm 1404.37~~ ***the applicable reference standard in Env-Or 509.***

~~(j)~~ ***Env-Or 502.07*** "Coaxial system" means a type of stage I system which consists of a tube within a tube~~.~~***, such that*** ~~The fill tube, which is submerged in the~~ gasoline ***is delivered to the gasoline*** storage tank~~,~~ ~~delivers the gasoline~~ through the inner tube~~.~~ ***and t***~~T~~he vapors from the gasoline storage tank are returned via the interstice surrounding the fill tube~~.~~***, with a*** ~~A~~ single coupling ~~services~~ ***servicing*** both the gasoline and vapor recovery hoses.

~~(k)~~ ***Env-Or 502.08*** "Emission" means "emission" as defined in RSA 125-C:2, VIII, ~~namely "a release into the outdoor air of air contaminants."~~ ***as reprinted in Appendix C.***

~~(l) "Fleet facility" means a gasoline dispensing facility servicing vehicles owned or operated as a unit, such as a rental car agency.~~

~~(m)~~ ***Env-Or 502.09*** "Gasoline" means motor fuel containing any petroleum distillate where the Reid vapor pressure of the fuel is greater than 4.0 pounds per square inch (psi).

~~(n)~~ ***Env-Or 502.10*** "Gasoline dispensing facility" means any stationary facility ~~which~~ ***that*** dispenses gasoline directly into the fuel tank of a motor vehicle, motorized water vessel, or airplane. ***The term includes all equipment necessary for the purpose, including but not limited to nozzles, dispensers, pumps, vapor return lines, plumbing, and gasoline storage tanks.***

Env-Or 502.11 "Gasoline storage tank" means any tank used to store gasoline other than a tank that is used as part of the bulk operations at a bulk gasoline loading terminal or bulk gasoline plant.

~~(o)~~ ***Env-Or 502.12*** "Leak free" means a system where no ~~more than 3 drops per minute of~~ gasoline is leaked while the system is pressurized.

~~(p)~~ ***Env-Or 502.13*** "Lower explosive limit (LEL)" means the lowest concentration of a gas or vapor percentage by volume in air that burns or explodes if an ignition source is present at ambient temperature.

~~(q)~~ ***Env-Or 502.14*** "Manifold" means ~~the~~ ***a device used to*** interconnect~~ion of~~ gasoline storage tanks via a tank vent piping system at a gasoline dispensing facility.

~~(r)~~ ***Env-Or 502.15*** "Motor vehicle" means an on-road vehicle powered ***in whole or in part*** by an internal combustion engine.

~~(s)~~ ***Env-Or 502.16*** "Onboard refueling vapor recovery (ORVR)" means a vapor recovery system~~,~~ required by 40 CFR 86~~,~~ ***that is*** located within a motor vehicle ~~which~~ ***to*** collect~~s~~ the vapors accumulated in the fuel tank during refueling, as well as new fuel vapors generated during the refueling process, before the fuel vapors escape into the atmosphere.

~~(t)~~ ***Env-Or 502.17*** "ORVR compatible" means, ***as applied to*** a stage II system, ***that the system is*** designed for use with both ORVR and non-ORVR equipped vehicles.

~~(u)~~ ***Env-Or 502.08*** "Owner or operator" means "owner or operator" as defined in 40 CFR §51.100, namely "any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect."

~~(v)~~ ***Env-Or 502.19*** "Poppetted dry break" means a stage I coupling equipped with a poppet valve ***that*** ~~preventing~~ ***prevents*** vapors in a gasoline storage tank from escaping when a vapor return hose is not connected.

~~(w)~~ ***Env-Or 502.20*** "Pressure/Vacuum (PV) vent cap" means a relief valve installed on a stage I or stage II system ~~and~~ ***that is*** designed to open at specific pressure and vacuum settings to protect the system from excessive pressure or vacuum.

~~(x) "Reid vapor pressure" means the absolute vapor pressure as determined by the American Society for Testing and Materials (ASTM), test method D323-99a.~~

~~(y) "Responsible official" means "responsible official" as defined in 40 CFR §70.2, namely "one of the following:~~

~~(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:~~

~~a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or~~

~~b. The delegation of authority to such representatives is approved in advance by the permitting authority;~~

~~(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;~~

~~(3) For a municipality, State, Federal, or other public agency, either a principal executive officer or ranking elected official. For the purposes of this part [definition], a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or~~
~~(4) For affected sources:~~
~~a. The responsible official in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated there under are concerned; and~~
~~b. The responsible official for any other purposes under [40 CFR] part 70."~~

~~(z)~~ ***Env-Or 502.21*** "Significant modification" means any construction or alteration of a stage I or stage II system ~~other than~~ ***that is not*** normal upkeep or maintenance.

Env-Or 502.22 "Stage I" means the regulatory system that requires the capture of vapors from bulk gasoline transfers.

~~(aa)~~ ***Env-Or 502.23*** "Stage I~~" or "stage I~~ system" means ~~one of the following: (1) For gasoline dispensing facilities and cargo trucks delivering gasoline to the facilities,~~ the stage I equipment installed ~~such that~~ ***to recover*** gasoline vapors displaced from ~~the~~ ***a*** gasoline storage tank ~~are recovered~~ ***during gasoline delivery*** and ~~fed~~ ***feed the vapors*** back into the cargo truck.~~; or (2) For bulk gasoline plants and cargo trucks transferring gasoline at the plants, a closed system that allows for the recovery of vapors displaced during the loading or unloading of gasoline at the plant.~~

~~(ab)~~ ***Env-Or 502.24*** "Stage I equipment" means all components ***and connections*** in a stage I system including but not limited to dry breaks, two-point fill adaptors, coaxial fill adaptors, PV vent caps, vent piping, manifold piping, and gasoline storage tanks on which the stage I controls are located.

Env-Or 502.25 "Stage II" means the regulatory system that requires the capture of vapors from gasoline transfers from bulk storage to individual motor vehicles.

~~(ac)~~ ***Env-Or 502.26*** "Stage II~~" or "stage II~~ system" means the ~~stage I and the~~ stage II equipment installed at a gasoline dispensing facility ~~such that~~ ***to recover*** gasoline vapors displaced from a motor vehicle fuel tank ***during refueling of the motor vehicle*** ~~are recovered into~~ ***and return the vapors to*** the facility's gasoline storage tank~~during refueling of the motor vehicle as configured and operated as specified in Env-Wm 1401.37~~.

~~(ad)~~ ***Env-Or 502.27*** "Stage II equipment" means all components and connections in a stage II system including but not limited to vapor return piping, coaxial hoses through which the vapor flows, gasoline nozzles, vapor pumps, and gasoline dispensers, as applicable.

~~(ae)~~ ***Env-Or 502.28*** "Submerged fill tube" means a tube used to load or deliver gasoline into a gasoline storage tank ~~with a~~ ***where the*** gasoline discharge ~~which~~ is totally submerged ~~during~~ ***throughout*** the ***entire*** gasoline delivery~~to avoid agitation of the gasoline~~.

~~(af)~~ ***Env-Or 502.29*** "Swivel adaptor" means a device mounted on the fill riser pipe and vapor return riser of a gasoline storage tank~~, which~~ ***that*** prevents loosening or over-tightening of the adaptor by means of a swivel-type mechanism.

~~(ag)~~ ***Env-Or 502.30*** "Test tee fitting" means a branched connection located in the vapor return piping below the dispenser for purposes of testing the vapor return piping.

~~(ah)~~ ***Env-Or 502.31*** "Throughput" means the amount of gasoline dispensed by a gasoline dispensing facility~~or bulk gasoline plant~~.

~~(ai)~~ ***Env-Or 502.32*** "Topping off" means attempting to dispense additional gasoline into a motor vehicle fuel tank after a vapor recovery dispensing nozzle has automatically shut off~~, thereby~~ ***in order to***

prevent~~ing~~ the dispensing of any more gasoline. This term does not include the filling of a motor vehicle fuel tank where the nature and configuration of the vehicle's fill pipe causes the premature shut off of the dispensing nozzle.

~~(ak)~~ ***Env-Or 502.33*** "Ullage" means the empty volume of ~~the~~ ***a*** gasoline storage tank system ***that*** ~~containing~~ ***contains*** liquid gasoline. For vapor recovery systems, ullage is expressed as accumulated gallons of empty volume for all of the gasoline storage tanks in a certified vapor recovery system.

~~(al)~~ ***Env-Or 502.34*** "Vapor tight" means equipment or a system where there is no loss of vapors, as determined by ensuring that the concentration of vapors at a potential leak source is not equal to or greater than 100 percent of the LEL when measured with a combustible gas detector, calibrated with hexane or equivalent, at a distance of one inch from the source.

Env-Or 502.35 "Working days" means calendar days exclusive of weekends and state holidays.

PART Env-Or 503 REQUIREMENTS APPLICABLE TO ALL GASOLINE STORAGE TANKS 250 GALLONS OR GREATER

~~Env-Wm 1404.04~~ ***Env-Or 503.01*** Submerged Fill Tube Requirements. ~~(a)~~ The owner or operator of a gasoline storage tank ~~with~~ ***having*** a capacity equal to or greater than 250 gallons shall:

(~~1~~***a***) Equip the tank with a submerged fill tube;

(~~2~~***b***) Install the submerged fill tube ~~with~~ ***so there is*** a clearance of ***at least 4 inches but less than*** 6 inches between the bottom of the tank and the ~~bottom of~~ ***point at which gasoline can first exit*** the submerged fill tube; and

(~~3~~***c***) ~~Utilize a~~ ***Use the*** submerged fill tube ***whenever fuel is being added*** to ~~fill~~ the tank.

{no other paragraphs in original}

~~Env-Wm 1404.10 (c)~~ ***Env-Or 503.02*** ***Gasoline Mishandling Prohibited.*** No person shall deliberately, ***recklessly,*** or negligently mishandle gasoline ***being delivered to or unloaded from a gasoline storage tank having a capacity equal to or greater than 250 gallons*** such that ~~it would result in evaporation~~ ***gasoline could evaporate*** into the atmosphere~~,~~. ***For purposes of this section, mishandling*** ~~including~~ ***includes*** but ***is*** not limited to spilling, discarding ***onto the ground or*** into a sewer ***or storm drain,*** or storing in an open container.

Env-Or 503.03 Throughput Recordkeeping Required. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Record gasoline throughput volume;

(b) Maintain the records required by (a), above, for not less than 3 years; and

(c) Make such records available for inspection and copying upon written request by the department or the U.S. Environmental Protection Agency.

Env-Or 503.04 Required Throughput Reporting.

(a) The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons at a gasoline dispensing facility that has not been subject to stage I requirements shall report throughput information in writing to the department within 30 days of the facility's throughput equaling or exceeding 10,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

PART Env-Or 504 STAGE I REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

~~Env-Wm 1404.05~~ ***Env-Or 504.01*** ***Continuing*** Applicability of Stage I Requirements For Gasoline Dispensing Facilities~~ and Bulk Gasoline Plants~~.

{(a) has been moved and renumbered as Env-Or 501.02(b)}

~~(b) Once a~~ ***Any gasoline dispensing*** facility ~~or plant~~ ***that*** meets the applicability criteria specified in ~~(a)(2), above, the owner or operator~~ ***Env-Or 501.02(b)*** shall ***continue to*** be subject to the stage I requirements even if a reduction in ~~annual~~ throughput occurs ~~which~~ ***that*** would otherwise exempt the ~~owner or operator~~ ***facility*** from these requirements.

~~(c) For a gasoline dispensing facility, if the owner or operator is subject to both (a), above, and Env-Wm 1404.17, below, then the owner or operator shall comply with the requirements specified in Env-Wm 1404.17 through Env-Wm 1404.28.~~

{(d) has been moved and renumbered as Env-Or 501.02(d)}
{(e) has been moved and renumbered as Env-Or 501.03}

~~(f) Stage I controls shall be installed to collect vapors during the delivery of gasoline to the storage tank at airports and marinas meeting the applicability requirements in (a), above.~~ *covered by definition of "gasoline dispensing facility" and incorporated into 501.02(b) intro*

~~(g) Within 3 years of the effective date of these rules, the owner or operator of a bulk terminal or a bulk gasoline plant shall comply with stage I requirements in accordance with Env-Wm 1404.05.~~

~~Env-Wm 1404.06~~ ***Env-Or 504.02*** Stage I ~~Physical~~ ***Equipment*** Requirements.

(a) The owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~or a bulk gasoline plant~~ ***that is subject to this part*** shall:

(1) Install~~,~~ ***and*** maintain~~, and operate~~ a stage I system that is a certified vapor recovery system ~~or a department approved alternative as specified in Env-Wm 1404.36~~;

{(a)(2) has been moved and renumbered as Env-Or 504.03(a)(1)}

(~~6~~***2***) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap;

(3) Label each PV vent cap with the cap's rated pressure and vacuum relief setting;

(4) Position the label specified in (3), above, so that it is visible from ground level;

(5) ~~Equip a stage I system with~~ ***Install*** a submerged fill tube as specified in ~~Env-Wm 1404.04~~ ***Env-Or 503.01***;

(~~7~~***6***) For a two-point system:

a. Install a poppetted dry break on the vapor return connection; and

b. Equip the poppetted dry break with a properly sealed adaptor cap attached at all times, except when gasoline is being delivered; and

(~~8~~***7***) Install a fill adaptor cap with a properly sealed gasket attached at all times, except when gasoline is being delivered~~, on the stage I system~~.

(b) Unless otherwise specified ***in an applicable reference standard*** for ~~a~~ ***the installed*** certified vapor recovery system ***and subject to (c), below***, the owner or operator shall install PV vent caps on ~~an~~ underground gasoline storage tank***s and on aboveground gasoline storage tanks*** as follows:

(1) For pressure, ~~13.8~~ ***2.5 to 6.0*** inches water column pressure ~~(8.0 oz/in²)~~; and

(2) For vacuum, ~~0.9~~ ***6.0 to 10.0*** inches water column vacuum ~~(0.5 oz/in²)~~.

{(c) moved and renumbered as Env-Or 504.05(c)(6)}

~~(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:~~

~~(1) For pressure, the lower of the following two values:~~

~~a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or~~

~~b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in²); and~~

~~(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in²).~~

Unclear. The 2012 effective date?

(c) If a PV vent cap was installed prior to the effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.06(b) or (d) in effect immediately prior to the effective date of this chapter, as reprinted in Appendix E and as applicable, the owner or operator may continue to use the PV vent cap until the earlier of 3 years from the effective date of this chapter or:

(1) The cap is required to be replaced pursuant to Env-Or 504.05(c)(2); or

(2) Stage I testing is required pursuant to one of the conditions of Env-Or 504.07(a).

Edit. Make this "(1)" and renumber (1) and (2).

~~Env-Wm 1404.10~~ ***Env-Or 504.03*** Stage I ***System*** Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

~~Env-Wm 1404.06(a)~~(~~2~~***1***) Operate ~~a~~ ***the*** stage I system to recover at least 95% of all gasoline vapors at the facility or ***to*** be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(2) Operate all stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(3) Use the installed submerged fill tube to fill the tank.

(~~a~~***b***) No person shall transfer or allow the transfer of gasoline into a gasoline storage tank at a gasoline dispensing facility ~~or into or out of a bulk gasoline plant~~ ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** unless the ~~facility or plant~~ ***tank*** is ~~operating~~ ***equipped*** with a***n operational*** stage I ***certified vapor recovery*** system ~~or department approved alternative, as specified in Env-Wm 1404.36~~.

(~~b~~***c***) No person shall deliberately, ***recklessly,*** or negligently vent any ~~captured~~ ***gasoline*** vapors ***captured by a stage I system*** to the atmosphere.

{(c) has been moved and renumbered as Env-Or 503.02}

~~Env-Wm 1404.07~~ ***Env-Or 504.04*** ***Required*** Stage I ***System Inspections and*** Maintenance ~~Requirements~~. The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~or a bulk gasoline plant~~ ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** shall:

(~~e~~***a***) Conduct monthly maintenance inspections of all stage I equipment at the facility ~~or plant~~ as specified in ~~Env-Wm 1404.08~~ ***Env-Or 504.05***~~; and~~

(~~d~~***b***) Conduct an annual maintenance inspection of all stage I equipment at the facility ~~or plant~~ as specified in ~~Env-Wm 1404.09.~~ ***Env-Or 504.06;***

(~~a~~***c***) Maintain ~~and properly operate~~ stage I equipment as specified by the manufacturer or ~~Env-Wm 1404~~ ***the applicable reference standard specified in Env-Or 509; and***

(~~b~~***d***) Maintain ***all*** stage I equipment, except PV vent caps, to be leak free and vapor tight~~;~~.

~~Env-Wm 1404.08~~ ***Env-Or 504.05*** Stage I ***System*** Monthly Maintenance Inspections.

(a) The owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility or bulk gasoline plant subject to Env-Wm 1404.05~~ shall perform ***the*** monthly maintenance inspections ***required by Env-Or 504.04(a) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.***

(~~e~~***b***) The owner or operator shall document each monthly maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.15~~ ***Env-Or 506.04***.

(~~b~~***c***) During ~~a~~ ***each*** monthly maintenance inspection, the owner or operator shall:

(1) Check all vent risers for visible damage and repair as necessary;

(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;

(3) Remove and discard~~, in accordance with Env-Wm 1404.10(c) and Env-Ws 421,~~ any gasoline, water, or debris present in each spill bucket ~~as specified in Env-Wm 1401.25~~ ***in accordance with Env-Hw 100-1100***;

(4) Check each coaxial fill adaptor cap, ~~two~~ ***2***-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;

(5) If any coaxial fill adaptor cap, ~~two~~ ***2***-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if a gasket is missing or damaged, repair or replace the cap or gasket ***as applicable***;

~~Env-Wm 1404.06~~ (~~e~~***6***) ***Replace a***~~A~~ny failed fill adaptor ~~shall be replaced~~ with a swivel adaptor~~.~~***;***

(~~6~~***7***) Check each coaxial fill adaptor, ~~two~~ ***2***-point fill adaptor, and dry break adaptor for tightness and tighten with a wrench any adaptor that can be hand rotated; and

(~~7~~***8***) For a ~~two~~ ***2***-point system:

a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the ~~adaptors~~ valve seat ***of the adaptor*** and ***replace the dry break adaptor with a swivel dry break adaptor*** if a continuous seal is not present~~, repair or replace the dry break adaptor~~; and

b. Check that the poppet valve depresses evenly across the valve seat of the dry break adaptor and that it reseats properly, and ~~if not, repair or~~ replace the dry break ***adaptor with a swivel dry break adaptor if either condition is not met.***

(d) If the owner of the facility is a political subdivision, a dry break adaptor that does not meet the requirements of (c)(8), above, may be repaired or replaced with a non-swivel type dry break adaptor if the political subdivision chooses to not pay for a swivel-type adaptor.

Edit. "shall"

~~Env-Wm 1404.09~~ ***Env-Or 504.06*** Stage I ***System*** ~~Yearly~~ ***Annual*** Maintenance Inspection.

(a) ***Subject to (e), below, t***~~T~~he owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility or a bulk gasoline plant subject to Env-Wm 1404.05~~ shall perform ~~a yearly~~ ***the annual*** maintenance inspections ***required by Env-Or 504.04(b)***:

(1) No later than September 30 of each calendar year; and

(2) ~~At least~~ ***Subject to (b), below, no sooner than*** 10 months ~~between each~~ ***after the prior annual*** inspection.

{(b) has been moved and renumbered as (d), below}

(b) If a stage I test is done in lieu of an annual inspection as provided in (e), below, the owner or operator shall perform the next annual maintenance inspection no sooner than 10 months after the stage I test.

(c) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.15~~ ***Env-Or 506.04***.

(~~b~~***d***) During ~~the yearly~~ ***each annual*** maintenance inspection, the owner or operator shall:

(1) Perform all ~~items~~ ***inspections and maintenance*** specified in ~~Env-Wm 1404.08(b), above~~ ***Env-Or 504.05 for monthly inspections***;

(2) ***For each adaptor other than*** ~~With the exception of~~ ***any*** swivel adaptors, remove ~~all~~ ***the*** adaptor~~s~~ from ~~their~~ ***its*** riser pipe~~s~~, ***clean the threads on the adaptor and riser pipe,*** apply gasoline-resistant thread sealant to ***the*** cleaned threads, thread the adaptor~~s~~ back onto the riser pipe, and tighten in accordance with the manufacturer's recommendations;

(3) Replace or permanently plug each drain valve located in each spill bucket;

(4) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and

(5) ~~Measure the distance between the tank bottom and the submerged fill tube end to confirm compliance with Env-Wm 1404.04(a)(2) and if necessary, modify~~ ***Ensure that*** the submerged fill tube ***has the clearance specified in Env-Or 503.01(b).***

(~~d~~***e***) ***An annual maintenance inspection shall not be required for any calendar year in which*** ~~If a~~ ***the*** stage I ***system successfully passes a stage I system*** test ~~is successfully~~ performed ***as specified*** in ~~accordance with Env-Wm 1404.11 and~~ ***Env-Or 504.07 through Env-Or 504.10 prior to the due date of the annual inspection as specified in (a), above.*** ~~Env-Wm 1404.12 within the calendar year for which a yearly maintenance inspection is due, then the department shall not require the owner or operator to comply with requirements of this section.~~

{Env-Wm 1404.10(a) & (b) have been moved and renumbered as Env-Or 504.03(b) & (c)}
{ Env-Wm 1404.10(c) has been moved and renumbered as Env-Or 503.02}

~~Env-Wm 1404.11~~ ***Env-Or 504.07*** Stage I ***System*** Testing Requirements.

(a) The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~or bulk gasoline plant~~ ***that is*** subject to ***this part*** ~~Env-Wm 1404.05, but not subject to Env-Wm 1404.17,~~ shall perform stage I ***system*** testing ***as specified in Env-Or 504.08 through Env-Or 504.10:***

(1) For tanks at gasoline dispensing facilities having a throughput of 100,000 gallons per month or more, at least once every 3 years; and

(2) For all tanks, within 30 days of:

~~(1)~~***a.*** Failing to perform 2 monthly maintenance inspections~~, as specified in Env-Wm 1404.08,~~ ***in accordance with Env-Or 504.05*** in any given calendar year;

~~(2)~~***b.*** Failing to perform the ~~yearly~~ ***annual*** maintenance inspection ~~by September 30 as specified in Env-Wm 1404.09~~ ***as required by Env-Or 504.06(a)***; or

~~(3)~~***c. Discovering that t***~~T~~he stage I system is not functioning as ~~designed~~ ***specified in the applicable stage I certification reference standard in Env-Or 509***.

{(b) has been moved and renumbered as (e) and (f), below}

(~~a~~***b***) The owner or ~~responsible official~~ ***operator*** of each ***gasoline dispensing*** facility ~~or plant~~ being tested or retested shall notify the department in writing~~:~~ ~~(1) No later than 15~~ ***at least 7 working*** days prior to performing the test of the planned test date, test time, and if applicable, the testing consultant being used.~~; and~~

(c) If the test is being performed pursuant to (a)(1) or (a)(2)c., above, the owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(~~2~~***d***) Within ~~15~~ ***30*** days of the completion of each test performed, ~~as to~~ ***the owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing of*** the specific test results, and if a test failed, the specific actions to be taken to correct the problem and the next planned test time and date.

(~~b~~***e***) The owner or operator of a ***gasoline dispensing*** facility ~~or plant which~~ ***that*** does not ~~successfully pass~~ ***meet*** all of the criteria ~~during~~ ***for*** a ***successful*** stage I ***system*** test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(~~1~~***2***) ***Subject to (f), below, retest the*** ~~Perform a successful~~ stage I ~~retest~~ ***system*** within 30 days of the ***failed*** test. ~~failure; and~~

(~~2~~***f***) ~~Retest only those portions of the original test which failed the applicable criteria i~~***I***f the modifications performed to repair the facility ~~or plant~~ have not altered ~~the~~ ***a*** portion of the system ~~which~~ ***that*** passed the original test***, the retest may be performed only on those portions of the stage I system that failed the original test.***

~~Env-Wm 1404.12~~ ***Env-Or 504.08*** ***Required*** Stage I ***System*** Testing ~~Procedures~~ ***Components***. ~~(a)~~ The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~or bulk gasoline plant~~ shall ~~verify~~ ***ensure*** that stage I ***system*** test procedures consist of the following:

(~~1~~***a***) A PV vent cap test for pressure and vacuum as specified in ~~(b), (c), and (d), below~~ ***Env-Or 504.09***;

(~~2~~***b***) A pressure decay test as specified in ~~(e) and (f), below~~ ***Env-Or 504.10***; and

(~~3~~*c*) A submerged fill tube measurement ~~as specified in (g), below. (g)~~ ***to ensure and document that*** ~~The owner or operator shall install and document that the submerged fill tube distance between the tank bottom and the submerged fill tube end meets~~ the requirements of ~~Env-Wm 1404.04~~ ***Env-Or 503.01(b) are met.***

Env-Or 504.09 PV Vent Cap Test Procedures, Criteria, and Required Actions.

(~~b~~*a*) The ~~owner or operator shall conduct a~~ PV vent cap test for pressure and vacuum~~:~~ ***required by Env-Or 504.08(a) shall be conducted in accordance with California Air Resources Board (CARB) Vapor Recovery Test Procedure (TP) 201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, dated October 8, 2003.***

~~(1) That remotely subjects the PV vent cap to the pressure or vacuum setting of the PV vent cap;~~
~~(2) Uses testing apparatus that has a gauge capable of reading to 0.5 inches water column pressure and vacuum to measure the pressure or vacuum being imposed on each PV vent cap;~~
~~(3) For a pressure test, measures the point at which the PV vent cap opens and starts to vent the pressure; and~~
~~(4) For a vacuum test, measures the point at which the PV vent cap opens to draw air into the valve.~~

(~~c~~*b*) ***To*** pass the pressure and vacuum tests specified in (~~b~~*a*), above, ~~if~~ ***the***:

(1) ~~The p~~***P***ressure relief point ~~determined in (b)(3), above,~~ ***shall*** occur~~s~~ ~~within~~ ***between*** ~~2.0~~***2.5 to 6.0*** inches ~~above or below the PV vent cap setting~~ ***water column pressure***~~; and~~

(2) The vacuum relief point ~~determined in (b)(4), above,~~ ***shall*** occur~~s~~ ~~within~~ ***between*** ~~0.5~~ ***6.0 to 10.0*** inches ~~above or below the PV vent cap setting.~~ ***water column pressure; and***

(3) The total leak rate of all PV vent caps at the facility shall not exceed 0.17 cubic feet per hour at a pressure of 2.0 inches water column and 0.63 cubic feet per hour at a vacuum of 4.0 inches water column.

(~~d~~*c*) If the PV vent cap fails either the pressure ***test*** or ***the*** vacuum test as specified in ***(a) and*** (b) ~~and (c)~~, above, the owner or operator shall replace the PV vent cap with a PV vent cap ***as specified in Env-Or 504.02(b)*** that passes ~~both~~ the ~~pressure and vacuum~~ tests ***requirements of (b), above.***

Env-Or 504.10 Pressure Decay Test Procedures, Criteria, and Required Actions.

(~~e~~*a*) ***The pressure decay test required by Env-Or 504.08(b) shall be performed:***

(1) Following the PV vent cap test specified in ~~(b), (c), and (d), above,~~ ***Env-Or 504.09; and*** ~~the owner or operator shall perform a pressure decay test on the gasoline storage tank system~~

(2) I~~i~~n accordance with ~~California Air Resources Board (~~CARB~~) Vapor Recovery Test Procedure,~~ TP-201.3, as amended March 17, 1999, except ~~as listed in (f), below.~~ ***that the test shall be performed at 10 inches water column pressure.***

~~(f) The owner or operator shall perform the pressure decay test required in (e), above:~~
~~(1) At 10 inches water column pressure; and~~ *requirement moved to (a)(2)*

(~~2~~*b*) ~~With~~ ***To pass the pressure decay test,*** the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes ***shall be*** as specified in table ~~1404~~ ***500-***1, below:

Table ~~1404~~***500***-1 Minimum Allowable Pressure

Ullage (gallons)	Minimum Allowable Pressure (inches water column)	Ullage (gallons)	Minimum Allowable Pressure (inches water column)
500	3.70	5,000	9.30
600	4.50	6,000	9.38
700	5.20	7,000	9.46
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,500	7.50	12,000	9.64
1,750	7.90	13,000	9.66
2,000	8.20	14,000	9.68
2,250	8.35	15,000	9.70
2,500	8.50	16,000	9.71
2,750	8.60	17,000	9.71
3,000	8.70	18,000	9.72
3,250	8.80	19,000	9.73
3,500	8.90	20,000	9.73
3,750	9.00	21,000	9.74
4,000	9.10	22,000	9.75
4,250	9.15	23,000	9.75
4,500	9.20	24,000	9.76
4,750	9.25	25,000	9.77

(c) If the stage I system does not pass the pressure decay test, the owner or operator shall undertake such repairs as are necessary and retest until the stage I system passes the test.

~~Env-Wm 1404.16~~ ***Env-Or 504.11*** Compliance Schedule for Stage I Systems.

~~(a) The owner or operator of an existing gasoline dispensing facility or bulk gasoline plant shall meet the applicable stage I requirements of Env-Wm 1404.05.~~

(~~b~~***a***) ~~When~~ ***If*** the ~~annual~~ throughput of ~~the~~ ***a gasoline dispensing*** facility ***that had not previously met the criteria of Env-Or 501.02(b)*** ~~is~~ ***becomes*** equal to or greater than ~~120,000~~ ***10,000*** gallons of gasoline per ~~year~~ ***rolling 30-day period*** ~~is attained~~, the owner or operator ~~of an existing gasoline dispensing facility or bulk gasoline plant~~ shall comply with ~~the~~ ***all applicable*** requirements of ~~Env-Wm 1404.05 through Env-Wm 1404.16~~ ***this chapter*** within 180 days ~~from~~ ***after*** the date the facility becomes subject to this part.

(~~c~~***b***) The owner or operator of ~~the following facility or plant shall comply with the requirements of Env-Wm 1404.05 through Env-Wm 1404.16 upon commencement of operation: (1) Each new~~ ***a*** gasoline dispensing facility ~~or bulk gasoline plant which~~ ***that*** begin***s*** operation after the effective date of this ~~part~~ ***chapter*** and ~~are subject to Env-Wm 1404.05; and~~ ***that meets the criteria of Env-Or 501.02(b) shall comply with all applicable requirements of this chapter upon commencement of operation.***

(~~2~~***c***) ~~Each existing~~ ***The owner or operator of a gasoline dispensing*** facility ***that already is*** subject to ~~Env-Wm 1404.05~~ ***stage I requirements and that*** ~~undergoing~~ ***undergoes significant modifications to any*** tank ~~and~~ ***or*** piping ~~significant modifications~~ ***shall comply with all applicable requirements of this chapter as to the complete stage I system, including all modified components, upon completion of the modifications.***

(d) If the monthly throughput of a gasoline dispensing facility is 100,000 gallons of gasoline per month or more as of the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the effective date of this chapter.

Edit. See comments on page 7.

(e) If the monthly throughput of a gasoline dispensing facility increases to 100,000 gallons of gasoline per month or more subsequent to the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the throughput becoming equal to or greater than 100,000 gallons of gasoline per month.

Insert a heading for Env-Or 505 as follows:
PART Env-Or 505 STAGE II REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Readopt with amendment Env-Wm 1404.17, eff. 8-21-04 (doc. #8141), as amended eff. 11-29-11 (doc. #10036), and renumber as Env-Or 505.01 through Env-Or 505.03, to read as follows:

~~Env-Wm 1404.17~~ ***Env-Or 505.01*** Applicability of Stage II Requirements.

(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility shall comply with ~~the stage II requirements of Env-Wm 1404.18 through Env-Wm 1404.28~~ ***this part in addition to Env-Or 503, Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509*** if the facility:

(1) Meets the ~~applicability~~ criteria ***specified*** in ~~Env-Wm 1404.05~~ ***Env-Or 501.02(b)*** for a stage I system;

(2) Is located in Hillsborough, Merrimack, Rockingham, or Strafford county; ~~and~~

(3) Does not qualify for an exemption pursuant to Env-Or 505.02; and

(~~3~~***4***) Meets one of the following criteria:

a. The facility has a~~n~~ ~~annual~~ throughput ~~for any year which is~~ equal to or greater than ~~420,000~~ ***35,000*** gallons ***per rolling 30-day period***; or

b. The facility was constructed after November 15, 1990, regardless of the amount of throughput.

(b) Once a facility meets the applicability criteria in (a)~~(3)a. or (a)(3)b.~~, above, the owner or operator shall ***continue to*** be subject to the stage II requirements even if a reduction in ~~annual~~ throughput occurs ~~which would otherwise exempt the owner or operator from these requirements~~ ***to below the threshold specified in (a)(4)a., above.***

Env-Or 505.02 Exemptions from Stage II Requirements.

(~~e~~***a***) ~~The owner or operator of a~~ ***Any gasoline dispensing*** facility ***that*** ~~servicing~~ ***services*** only motorized water vessels, airplanes, or agricultural equipment shall be exempt from this part.

~~(d) The owner or operator of a fleet facility subject to (a), above, shall be exempt from the requirements of this part if the owner or operator demonstrate to the department that 90% of the vehicles in the fleet are equipped with ORVR. The owner or operator of a fleet facility claiming this exemption shall submit an annual report to the department demonstrating that the fleet continues to meet this criterion.~~

(~~e~~***b***) ~~After January 1, 2012, t~~***T***he owner or operator of a gasoline dispensing facility that ~~is required by (a), above, to comply with stage II requirements~~ ***meets the criteria specified in Env-Or 505.01(a)*** shall be exempt from the requirements to install and to operate stage II equipment provided that:

(1) Facility construction commences on or after January 1, 2012;

(2) Facility construction commenced prior to January 1, 2012 but stage II equipment ~~has~~ ***had*** not been installed ***prior to January 1, 2012***; or

(3) The owner or operator decommissions the stage II equipment in accordance with ~~(f), below~~ ***Env-Or 505.03***.

Env-Or 505.03 ***Decommissioning Stage II Systems.***

(~~h~~***a***) Subject to (~~i~~***d***), below, the owner or operator of a gasoline dispensing facility equipped with stage II equipment shall decommission the stage II equipment by December 22, 2015 in accordance with ~~(f), above~~ ***this section***.

(~~f~~***b***) To qualify for an exemption under ~~(e)(3), above,~~ ***Env-Or 505.02(b)(3)*** or to comply with (~~h~~***a***), ~~below~~ ***above***, the owner or operator shall do the following in the order listed:

(1) Submit a completed notification form as described in ~~Env-Wm 1404.25(d)~~ ***Env-Or 506.02*** to notify the department of the intent to decommission the stage II equipment;

(2) Conduct a pressure decay test on the stage II vapor return piping as specified in ~~Env-Wm 1404.23 and Env-Wm 1404.24~~ ***Env-Or 505.12*** within 30 days prior to the scheduled decommissioning of the stage II equipment;

(3) Decommission the stage II system in accordance with all of the steps listed in the Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300, Section 14, Decommissioning Stage II Vapor Recovery Piping; and

Incorp. by ref. statement needed for FP. Also, specify a date. Appx. A says 2009

(4) If the stage II vapor return piping did not pass the pressure decay test even after retesting in accordance with ~~Env-Wm 1404.23(d)~~ ***Env-Or 505.10(b)***, permanently close the stage II vapor return piping ~~by removing that piping~~ as specified in Env-Wm 1401.18(g)(2) ***or successor rule in subtitle Env-Or***.

(~~g~~***c***) Any owner or operator who decommissions stage II vapor recovery equipment shall continue to comply with the pressure decay ***and PV vent cap pressure and vacuum*** testing requirements of ~~Env-Wm 1404.23 and Env-Wm 1404.24~~ ***Env-Or 505.12*** for all equipment that remains in place, including any stage II vapor return piping that remains connected at the tank.

(~~i~~***d***) The requirement to decommission a stage II vapor recovery system shall not apply to political subdivisions. If a political subdivision that owns a stage II system chooses to decommission the equipment, such decommissioning shall comply with (~~f~~***b***), above.

Readopt with amendment Env-Wm 1404.18 through Env-Wm 1404.37, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 505.04 through Env-Or 509.01, to read as follows:

~~Env-Wm 1404.18~~ ***Env-Or 505.04*** Stage II ~~Physical~~ ***Equipment*** Requirements.

(a) The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ~~subject to Env-Wm 1404.17~~ ***that meets the criteria of Env-Or 505.01(a)*** shall:

(1) Install~~,~~ ***and*** maintain~~, and operate~~ a stage II system that is a certified vapor recovery system ~~or a department approved alternative as specified in Env-Wm 1404.36~~; ***and***

{subparagraph (2) has been moved and renumbered as Env-Or 505.05(a)}

(~~3~~*2*) Use a ~~two~~ *2*-point system at ~~all~~ *each* assist system ~~facilities;~~ *facility.*

~~(4) Label each PV vent cap with the cap's rated pressure and vacuum relief settings;~~
~~(5) Position the label specified in (4), above, so that it is visible from ground level;~~
~~(6) Equip a stage II system with a submerged fill tube as specified in Env-Wm 1404.04; and~~
~~(7) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap.~~

(b) Unless otherwise specified ***in an applicable reference standard*** for ~~a~~ ***the installed*** certified vapor recovery system ***and subject to (c), below***, the owner or operator shall install ~~a stage II system with a~~ PV vent cap*s* ~~setting~~ as follows:

(1) For pressure, ~~3.0~~ ***2.5 to 6.0*** inches water column pressure ~~(1.7 oz/in²)~~; and

(2) For vacuum, ~~8.0~~ ***6.0 to 10.0*** inches water column vacuum ~~(4.6 oz/in²)~~.

(c) If a PV vent cap was installed prior to the effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.18(b) in effect immediately prior to the effective date of this chapter, as reprinted in Appendix E, the owner or operator may continue to use the PV vent cap until the earlier of 3 years from the effective date of this chapter or:

Edit. See comments on page 7.

(1) The cap is required to be replaced pursuant to Env-Or 505.08(c)(1); or

(2) Stage II testing is required pursuant to one of the conditions of Env-Or 505.10(a).

(~~c~~*d*) ~~Prior to performing the dynamic back pressure test, t~~*T*he owner or operator of ~~each~~ ***any*** stage II ~~facility, which~~ ***equipment that*** is ~~required to perform~~ ***subject to*** a dynamic back pressure test ***as specified in Env-Or 504.12***~~,~~ shall permanently install, ~~a test tee fitting~~ at each dispenser~~.~~, ~~The~~ ***a*** test tee fitting ~~shall be~~ ***that is:***

(1) ***E***~~e~~quipped with a plug securely threaded into the branch connection*;* and ~~is easily~~

(2) ***A***accessible to allow for testing of the vapor return piping.

~~Env-Wm 1404.22~~ ***Env-Or 505.05*** Stage II Operational Requirements.

~~Env-Wm 1404.18~~ (a) ~~(2)~~ ***The owner or operator of a gasoline dispensing facility that is subject to this part shall o***~~O~~perate ~~a~~ ***the*** stage II system to recover at least 95% of all gasoline vapors at the facility or ***to*** be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(~~a~~*b*) No owner~~/~~ ***or*** operator ***of a gasoline dispensing facility that is subject to this part*** shall transfer or allow the transfer of gasoline from a gasoline storage tank at ~~a gasoline dispensing~~ ***the*** facility ~~subject to Env-Wm 1404.18~~ into a motor vehicle fuel tank unless the facility is operating with a stage II system ~~or department approved alternative in accordance with Env-Wm 1404.36~~ ***that is a certified vapor recovery system.***

(~~b~~*c*) No person shall deliberately, ***recklessly,*** or negligently vent any ~~captured~~ vapors ***captured by a stage II vapor recovery system*** to the atmosphere.

~~(c) No person shall deliberately or negligently mishandle gasoline such that it would result in evaporation into the atmosphere, including but not limited to spilling, discarding into a sewer, or storing in an open container.~~ *{covered by Env-Or 503.02}*

(d) The owner or operator of a gasoline dispensing facility using a stage II system shall post in a conspicuous location in the gasoline dispensing area:

(1) A warning that topping off is prohibited because it could result in spillage or return of gasoline into the gasoline storage tank; and

(2) The department telephone number for reporting difficulties with stage II equipment and equipment malfunctions.

~~Env-Wm 1404.19~~ ***Env-Or 505.06*** ***Required*** Stage II ***System Inspection and*** Maintenance ~~Requirements~~. ~~(a)~~ The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17~~ ***this part*** shall:

(a) For balance systems, conduct daily inspections of each gasoline dispenser nozzle as specified in Env-Or 505.07;

(~~3~~***b***) Conduct monthly maintenance inspections of all stage II equipment at the facility as specified in ~~Env-Wm 1404.20~~ ***Env-Or 505.08***;

(~~4~~***c***) Conduct ~~an~~ annual maintenance inspection***s*** of all stage II equipment at the facility as specified in ~~Env-Wm 1404.21~~ ***Env-Or 505.09***;

(~~1~~***d***) Maintain ~~and properly operate~~ stage II equipment~~,~~ as specified by the manufacturer or by the ~~department~~ ***applicable reference standard specified in Env-Or 509; and***

(~~2~~***e***) With the exception of PV vent caps, ***maintain*** stage II equipment ~~shall~~ ***to*** be leak free~~,~~ ***and*** vapor tight~~, and operate properly;~~.

Env-Or 505.07 ***Stage II Balance System Daily Nozzle Inspection Requirements.***

(~~6~~***a***) ***The owner or operator shall perform the daily inspection required by Env-Or 505.06(a) f***~~F~~or a balance system~~,~~ ~~perform the following maintenance routine~~ ***on each nozzle*** once per day of facility operation ***as follows***:

~~a.~~***(1)*** Remove ~~each~~ ***the*** nozzle from its dispenser holder;

~~b.~~***(2)*** Extend the hose to create a straight section of sloping hose section between the high point of the hose and the nozzle;

~~c.~~***(3) With the nozzle pointed into a container approved for gasoline storage, p***~~P~~ull back the nozzle bellows to open the nozzle vapor valve; and

~~d.~~***(4)*** Drain ~~all~~ ***any*** residual liquid gasoline out of the vapor portion of the nozzle and hose into ~~a~~ ***the gasoline storage*** container ~~approved for gasoline storage~~.

(~~5~~***b***) ***The owner or operator performing the test shall mark*** ~~Tag any~~ ***the*** gasoline dispenser nozzle as "Out of Order" ***with a tag or a bag*** if the nozzle is ~~connected to a stage II system~~ not operating as specified in ~~Env-Wm 1404.37; and~~ ***the applicable reference standard in Env-Or 509.***

(~~b~~***c***) No person shall use or ~~permit~~ ***allow*** the use of equipment marked "Out of Order" until it has been repaired, replaced, or adjusted, as necessary***, and retested to ensure it is working properly***.

~~Env-Wm 1404.20~~ ***Env-Or 505.08*** Stage II Monthly Maintenance Inspections.

(a) The owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility subject to Env-Wm 1404.17~~ shall perform ***the*** monthly maintenance inspections ***required by Env-Or 505.06(b) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection***.

(~~e~~***b***) The owner or operator shall document the monthly maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.26~~ ***Env-Or 506.04***.

(~~b~~***c***) During ~~a~~ ***each*** monthly maintenance inspection, the owner or operator shall:

(1) ~~Check all vent risers for visible damage and repair as necessary~~ ***Complete all items required for stage I specified in Env-Or 504.05(c)***;

~~(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;~~
~~(3) Remove and discard, in accordance with Env-Wm 1404.22(e) and Env-Ws 421, any gasoline, water, and debris present in each spill bucket as specified in Env-Wm 1401.25;~~
~~(4) Check each coaxial fill adaptor cap, two-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;~~
~~(5) If any coaxial fill adaptor cap, two-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if the gasket is missing or damaged, replace or repair the cap or gasket;~~
~~(6) Check each coaxial fill adaptor, two-point fill adaptor, and dry break adaptor for tightness and if either adaptor can be hand rotated, tighten with a wrench;~~
~~(7) For a two-point system:~~
~~a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the valve seat of the adaptor and if a continuous seal is not present, repair or replace the dry break adaptor; and~~
~~b. Check that the poppet valve depresses evenly across the valve seat and that it reseats properly and if not, repair or replace the dry break;~~

(~~8~~***2***) For a balance system:

a. Check each hose in and around each dispenser for tears, leaks, holes, or defects of any kind and replace any hoses containing any tear longer than ~~a half~~ ***1/2***-inch or any hole greater than ~~a quarter~~ ***1/4***-inch in diameter;

b. Check each nozzle bellow for tears, leaks, holes, or defects of any kind and replace any bellows containing any tear longer than ~~a half~~ ***1/2***-inch or any hole greater than ~~a quarter~~ ***1/4***-inch in diameter; and

c. Check each nozzle bellow's faceplate for continuity with a minimum of ~~3 quarters~~ ***75%*** of the bellows faceplate sealed against the vehicle fill pipe during fueling operation and replace any bellows faceplate not meeting that criterion; and

(~~9~~***3***) For an assist system:

a. Check each hose for kinks or crimps and replace all defective sections;

b. Check each nozzle spout for looseness and tighten or replace as necessary;

c. Check each vapor return hole on the nozzle spout for blockage or obstruction and replace the nozzle or spout if the number of unobstructed holes does not meet the requirements for a specific stage II system; and

d. If a splash or vapor guard is required, check each splash or vapor guard for integrity and replace if the guard is missing or damaged.

~~Env-Wm 1404.21~~ ***Env-Or 505.09*** Stage II ***System*** ~~Yearly~~ ***Annual*** Maintenance Inspection.

(a) ***Subject to (d), below, t***~~T~~he owner or operator ~~of a gasoline storage tank at a gasoline dispensing facility subject to Env-Wm 1404.17~~ shall perform ~~a yearly~~ ***the annual*** maintenance inspection~~:~~ ***required by Env-Or 505.06(c) as specified in Env-Or 504.06.***

~~(1) No later than September 30 of each calendar year; and~~
~~(2) At least 10 months between each inspection.~~

(~~e~~***b***) The owner or operator shall document each ~~yearly~~ ***annual*** maintenance inspection, including all findings and repairs made, with ***written or electronic*** records kept in accordance with ~~Env-Wm 1404.26~~ ***Env-Or 506.04***.

(~~b~~***c***) During ~~the yearly~~ ***each annual*** maintenance inspection, the owner or operator shall~~:~~ ~~(1)~~ ~~P~~***p***erform all ~~items~~ ***inspections and maintenance*** specified in ~~Env-Wm 1404.20(b), above;~~ ***Env-Or 505.07, if applicable, and Env-Or 504.06(c).***

~~(2) With the exception of swivel adaptors, remove all adaptors from their riser pipes, apply gasoline-resistant thread sealant to cleaned threads, thread the adaptors back onto the riser pipe, and tighten in accordance with the manufacturer's recommendations;~~
~~(3) Replace or permanently plug each drain valve located in each spill bucket;~~
~~(4) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and~~
~~(5) Measure the distance between the tank bottom and the submerged fill tube end to confirm compliance with Env-Wm 1404.04(b) and if necessary, modify the submerged fill tube.~~

(d) ~~The owner or operator may substitute a successful pressure decay test performed in accordance with Env-Wm 1404.24 within the calendar year for which the yearly maintenance is due for the yearly maintenance requirements of this section.~~ ***An annual maintenance inspection shall not be required for any calendar year in which the stage II system successfully passes a pressure decay test performed as specified in Env-Or 504.12 prior to the due date of the annual inspection as specified in (a), above.***

~~Env-Wm 1404.23~~ ***Env-Or 505.10*** ***Required*** Stage II ***System*** Testing ~~Requirements~~.

(a) The owner or operator of a ~~gasoline storage tank at a~~ gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17~~ ***this part*** shall ~~comply with the following~~ ***perform stage II system*** testing ~~requirements:~~ ***as specified in Env-Or 505.11 and Env-Or 505.12*** ~~(a) Test the stage II system as specified in Env-Wm 1404.24~~ at least once every 3 years~~.~~ ***and*** ~~(b) Perform the stage II tests specified in Env-Wm 1404.24~~ at the following times:

(1) No later than 15 days after completion of installation of a new stage II system;

(2) No later than 15 days after completion of any significant modification to an existing stage II system;

(~~h~~***3***) ~~Conduct testing at facilities with complete stage II installations and where~~ ***No later than 15 days after completion of any*** backfill, pavement, ~~and~~ ***or*** concrete work around stage II equipment***;*** ~~is completed; and~~

(~~3~~***4***) Within 90 days prior to the expiration date of any stage II permit issued ***as provided*** in ~~accordance with Env-Wm 1404.27~~ ***Env-Or 505.13***; and

(~~4~~***5***) No later than 30 days following an inspection ~~by the department demonstrating~~ that ***identifies deficiencies in*** ~~a~~ ***the certified stage II vapor recovery system at the*** facility. ~~does not meet the requirements of this section and the applicable stage II system or a department approved alternative in accordance with Env-Wm 1404.36.~~

~~(c) Prior to any stage II testing, submit a completed notification form as specified in Env-Wm 1404.25.~~ *covered by 505.11*

(~~d~~*b*) ~~Complete the following steps for any~~ ***The owner or operator of a*** facility ~~tested as required in (a) and (b), above, which~~ ***that*** does not ~~successfully pass~~ ***meet*** all of the criteria ~~in the applicable vapor recovery tests~~ ***for a successful test shall:***

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(~~1~~*2*) ~~Perform a successful~~ ***Subject to (c), below, retest the*** stage II ~~retest~~ ***system*** within 30 days of the ***failed*** test ~~failure; and~~.

(~~2~~*c*) ~~Retest only those portions of the original test which failed the applicable criteria i~~*I*f the modifications performed to repair the facility ~~or plant~~ have not altered ~~the~~ ***a*** portion of the system ~~which~~ ***that*** passed the original test***, the retest may be performed only on those portions of the stage II system that failed the original test.***

Env-Or 505.11 Stage II System Testing: Scheduling and Notification Requirements.

(~~f~~*a*) ***The owner or operator shall*** ~~S~~schedule testing to be conducted***:***

(1) O~~o~~n non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department~~.~~ ***in advance; and***

(~~g~~*2*) ~~Conduct tests w~~*W*ith oversight by the department. ~~; otherwise, the test shall be invalid for purposes of fulfilling the requirements of (a) and (b), above. If the department is unable to witness the test, the department shall grant permission for the tester to proceed with the test.~~

~~(e) Comply with the following requirements:~~ (~~1~~*b*) ~~No later than 7 working department days p~~*P*rior to ~~performing~~ ***initiating*** ~~the~~ ***a*** test, ***the owner or operator shall*** notify the department ***in writing*** ~~by facsimile, letter, or e-mail~~ of the planned test date, test time, and testing consultant being used, if applicable~~;~~.

(c) The owner or operator shall send the notice required by (b), above, by letter, fax, or e-mail, so long as the notice is received by the department at least 7 working days in advance of the test date.

~~(e)~~(~~2~~*d*) Within 30 days of the completion of the test, ***the owner or operator shall*** notify the department ***in writing*** by ~~facsimile~~ ***fax***, letter, or e-mail of the specific test results and data collected during the testing~~; and~~.

(e)~~(3)~~ The owner ***or operator*** shall report ~~to the department~~ any test failure ***to the department in writing*** within 24 hours, unless the cause is immediately determined and corrected and the failure did not result in a release of vapors to the environment.

{(g) has been moved and renumbered as (a)(2), above}
{(h) has been moved and renumbered as Env-505.10(a)(3)}
{(i) has been moved and renumbered as Env-Or 505.12(b)}

~~Env-Wm 1404.24~~ ***Env-Or 505.12*** Stage II ***System*** Testing Procedures.

(a) ~~The owner or operator shall perform the following tests in accordance with the~~ ***In this section:***

(1) "TP 201.3" means ~~California Air Resources Vapor Board (~~CARB~~) Test Procedure~~ TP 201.3 Pressure Decay dated March 17, 1999, ***except that the test shall be performed at 10 inches water column;***

(2) "TP 201.4" ***means CARB TP 201.4*** Dynamic Back pressure dated July 3, 2002~~,~~***; and***

(3) "TP 201.5" ***means CARB TP 201.5*** Air to Liquid Ratio ***(A/L)*** dated February 1, 2001.~~ and Env-Wm 1404.37,~~

~~Env-Wm 1404.23 (i~~ ***b)*** ~~Conduct t~~***T***esting ***shall be conducted*** at a facility only if all volumetric liquid gasoline measuring devices at each dispenser have been calibrated in accordance with the requirements of the bureau of weights and measures of the New Hampshire department of agriculture, markets, and food~~ or a department approved alternative as set forth in Env-Wm 1404.36:~~.

(c) The owner or operator shall perform the following specified tests:

(1) For a balance system~~s~~:

a. The pressure decay test performed in accordance with TP 201.3; and

b. The dynamic back pressure test performed in accordance with TP 201.4 on each nozzle;

(2) For bootless nozzle systems:

a. The pressure decay test performed in accordance with TP 201.3;

b. The dynamic back pressure test performed in accordance with TP 201.4 test tee fitting location ***as*** described in ~~Env-Wm 1404.18(c)~~ ***Env-Or 505.04(c)***; and

c. The ~~air-to-liquid ratio (~~A/L~~)~~ test performed in accordance with TP 201.5;

(3) For Healy Model 400 ORVR compatible booted nozzle system ~~utilizing~~ ***using*** a central vacuum unit:

a. The pressure decay test ~~procedure~~ performed in accordance with CARB executive order G-70-186 or G-70-187;

b. The Healy vacuum integrity test; and

c. The Healy fillneck vapor pressure regulation fueling test;

(4) For Healy Model 600 bootless or booted nozzle system and Healy Model 800 booted nozzle system with the Healy/Franklin VP 1000 vapor pump or equivalent~~ shall undergo the testing specified below~~:

a. The pressure decay test ~~procedure~~ performed in accordance with CARB ***executive order*** G-70-191;

b. The dynamic back pressure test ***in accordance with TP 201.4*** at the test tee fitting location described in ~~Env-Wm 1404.18(c)~~ ***Env-Or 505.04(c)***; and

c. The A/L test with a Healy A/L adaptor for booted nozzles performed in accordance with TP 201.5; and

(5) For Healy Model 600 bootless system ~~utilizing~~ ***using*** a central vacuum unit:

a. The pressure decay test ~~procedure~~ performed in accordance with CARB ***executive order*** G-70-165;

b. The Healy vacuum integrity test; and

c. The A/L test performed in accordance with TP 201.5.

This does **not** appear to need an incorp. by reference statement. It simply states a further requirement where TP 201.3 is be applied.

(~~b~~*d*) ***For any pressure decay test performed in accordance with TP 201.3, t***~~T~~he owner or operator ***shall ensure*** ~~or~~***, and*** the ~~person~~ ***individual*** conducting the pressure decay test shall verify, that there are no product deliveries into or out of ~~the~~ ***any*** gasoline storage tank within the 3 hours prior to the test or during the performance of ~~this~~ ***the*** test ~~of the certified vapor recovery system being tested as in accordance with the California Environmental Protection Agency Air Resources Board Vapor Recovery Test Procedure TP-201.3 "Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities."~~.

(~~c~~*e*) All A/L test equipment shall be calibrated once every 12 months as specified by the manufacturer ~~or a department approved alternative in accordance with Env-Wm 1404.36~~.

~~(d) The owner or operator shall perform a submerged fill tube measurement on all gasoline storage tanks to confirm that the measured distance between the tank bottom and the submerged fill tube end meets the requirements of Env-Wm 1404.04 and if necessary, modify the submerged fill tube.~~

(~~e~~*f*) ~~The owner or operator shall perform the following changes to the test procedures listed in (a), above: (1) Testing shall be conducted once every 3 years; (2) The pressure decay tests shall be performed at 10 inches water column; and (3)~~ ***To pass the pressure decay test, t***~~T~~he minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in ***Env-Or 504.10(b),*** table ~~1404-2, below:~~ ***500-1.***

~~Table 1404-2 Minimum Allowable Pressure~~

~~Ullage (gallons)~~	~~Minimum Allowable Pressure (inches water column)~~	~~Ullage (gallons)~~	~~Minimum Allowable Pressure (inches water column)~~
~~500~~	~~3.70~~	~~5,000~~	~~9.30~~
~~600~~	~~4.50~~	~~6,000~~	~~9.38~~
~~700~~	~~5.20~~	~~7,000~~	~~9.46~~
~~800~~	~~5.80~~	~~8,000~~	~~9.52~~
~~900~~	~~6.20~~	~~9,000~~	~~9.56~~
~~1,000~~	~~6.50~~	~~10,000~~	~~9.60~~
~~1,250~~	~~7.05~~	~~11,000~~	~~9.62~~
~~1,500~~	~~7.50~~	~~12,000~~	~~9.64~~
~~1,750~~	~~7.90~~	~~13,000~~	~~9.66~~
~~2,000~~	~~8.20~~	~~14,000~~	~~9.68~~
~~2,250~~	~~8.35~~	~~15,000~~	~~9.70~~
~~2,500~~	~~8.50~~	~~16,000~~	~~9.71~~
~~2,750~~	~~8.60~~	~~17,000~~	~~9.71~~
~~3,000~~	~~8.70~~	~~18,000~~	~~9.72~~
~~3,250~~	~~8.80~~	~~19,000~~	~~9.73~~
~~3,500~~	~~8.90~~	~~20,000~~	~~9.73~~
~~3,750~~	~~9.00~~	~~21,000~~	~~9.74~~
~~4,000~~	~~9.10~~	~~22,000~~	~~9.75~~
~~4,250~~	~~9.15~~	~~23,000~~	~~9.75~~
~~4,500~~	~~9.20~~	~~24,000~~	~~9.76~~
~~4,750~~	~~9.25~~	~~25,000~~	~~9.77~~

(~~f~~*g*) The owner or operator shall verify that PV vent cap pressure and vacuum tests are performed as specified in ~~(g) and (i), below~~ ***Env-Or 504.09***.

~~(g) The owner or operator shall verify that each PV vent cap pressure test and vacuum test:~~
~~(1) Remotely subjects the PV vent cap to the pressure or vacuum setting of the cap;~~

~~(2) Uses testing apparatus that has a gauge capable of reading to 0.5 inches water column pressure and vacuum to measure the pressure or vacuum being imposed on each PV vent cap;~~
~~(3) For a pressure test, measures the point at which the PV vent cap opens and starts to vent the pressure; and~~
~~(4) For a vacuum test, measures the point at which the PV vent cap opens to draw air into the valve.~~

~~(h) The PV vent cap shall pass both the pressure and vacuum tests specified in (g), above, if:~~
~~(1) The pressure relief point determined in (g)(3), above, occurs within 0.5 inches above or below the PV vent cap setting; or~~
~~(2) The vacuum relief point determined in (g)(4), above, occurs within 2.0 inches above or below the PV vent cap setting.~~

~~(i) If the PV vent cap fails either the pressure or vacuum test as specified in (g) and (h), above, the owner or operator shall replace the PV vent cap with a cap that passes both the pressure and vacuum tests.~~

~~Env-Wm 1404.25 Stage II Notification Requirements.~~ *{now covered by Env-Or 506}*

~~(a) The owner or operator of a gasoline dispensing facility, subject to Env-Wm 1404.17 shall notify the department on notification forms obtained from the department prior to each stage II vapor recovery test required in Env-Wm 1404.23(b)(1), (b)(2), and (b)(3).~~

~~(b) When a transfer of ownership of any gasoline dispensing facility subject to Env-Wm 1404.17 takes place, the new owner shall submit a notification form obtained from the department to the department within 10 days of the transfer.~~

~~(c) The department shall inform the owner or operator within 30 days of receipt if the notification form does not sufficiently include the information required in (d), below.~~

~~(d) The following information shall be submitted to the department:~~
~~(1) Regarding the facility, the facility or plant's:~~
~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~
~~(2) Regarding each owner of the facility, the owner's:~~
~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~
~~(3) Regarding a contact person responsible for the stage II system at the facility, the contact person's:~~
~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~

{(d)(4) has been moved and renumbered as Env-Or 506.03(e)}

~~(5) Gasoline dispenser information, including but not limited to, the number of dispensers and number of nozzles at each dispenser;~~
~~(6) The number of gasoline storage tanks and the grade of gasoline in each tank; and~~

~~(7) The date when construction, installation, or significant modification of the facility occurred.~~

~~(e) The owner or responsible official shall:~~

~~(1) Sign and date the form; and~~

~~(2) Certify the form by the individual's signature that the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3.~~

~~Env-Wm 1404.26 Stage II Recordkeeping Requirements.~~ *{now covered by Env-Or 506}*

~~(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility subject to Env-Wm 1404.17 shall maintain and provide to the department within 48 hours upon the request of the department the following records :~~

~~(1) All records of installation;~~

~~(2) Current Env-Wm 1404 rules;~~

~~(3) Bulk liquid receipts;~~

~~(4) All information pertinent to equipment failures, repairs, and maintenance;~~

~~(5) A copy of the facility's current permit to operate, as specified in Env-Wm 1404.27, in a visible location;~~

~~(6) As applicable, each daily balance system maintenance performed as specified in Env-Wm 1404.19(a)(6);~~

~~(7) Each monthly maintenance inspection, as specified in Env-Wm 1404.20, with a description of all repair work completed on the vapor recovery system;~~

~~(8) Each annual maintenance inspection, as specified in Env-Wm 1404.21, or alternative as specified in Env-Wm 1404.21(d) with a description of all repair work completed on the vapor recovery system; and~~

~~(9) A copy of all stage II gasoline vapor recovery notification forms as specified in Env-Wm 1404.25 submitted to the department.~~

~~(b) The owner or operator shall retain records for the life of the system required to be kept by (a)(1), (a)(2), (a)(4), or (a)(8), above.~~

~~(c) The owner or operator shall retain for 3 years records required to be kept by (a)(3), (a)(5), (a)(6), (a)(7), or (a)(9), above.~~

~~Env-Wm 1404.27~~ ***Env-Or 505.13*** Approval ***Permit*** to Operate.

(a) The owner or operator of a gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17~~ ***this part and to RSA 146-C*** shall have a valid permit to operate in accordance with ***RSA 146-C and*** Env-Wm 1401 ~~and Env-Wm 1404~~ ***or successor rules in subtitle Env-Or***.

(b) ***As part of the application for the permit to operate, t***~~T~~he owner ***or operator*** of the stage II facility shall submit to the department the following:

(1) A completed stage II vapor recovery notification form; and

(2) The results of all required stage II tests in accordance with ~~Env-Wm 1404.23(e)(2)~~ ***Env-Or 505.11(d)***.

(c) The permit to operate shall be ***prominently*** displayed in a***n area where it can be observed in the normal course of an*** ~~prominent place easily visible for~~ inspection ~~at~~ ***of*** the facility.

~~Env-Wm 1404.28~~ ***Env-Or 505.14*** Compliance Schedule for Stage II Systems.

(a) The owner or operator of a gasoline dispensing facility ***that becomes*** subject to ~~Env-Wm 1404.17(a)(3)a.~~ ***this part after the effective date of this part*** shall comply with the requirements of ~~Env-~~

~~Wm 1404.17 through Env-Wm 1404.28~~ ***this part*** within one year ~~from~~ ***after*** the date the facility becomes subject to ~~the~~ stage II ~~applicability criteria~~ ***requirements***.

(b) The owner or operator of a facility ***that*** meet~~ings~~ the stage II applicability criteria specified in ~~Env-Wm 1404.17(a)(3)b.~~ ***Env-Or 505.01 as of the date it initiates operations*** shall be in compliance with the requirements of ~~Env-Wm 1404.17 through Env-Wm 1404.28~~ ***this part*** prior to commencing operation.

PART Env-Or 506 NOTIFICATION AND RECORDKEEPING FOR GASOLINE DISPENSING FACILITIES

Env-Or 506.01 Required Throughput Reporting.

~~Env-Wm 1404.15~~ (~~c~~ ***a***) ~~With the exception of facilities equipped with a stage II system, by April 30 of each year, t~~***T***he owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~in Hillsborough, Merrimack, Rockingham, or Strafford county~~ ***that is subject to Env-Or 504*** shall ~~submit~~ ***report throughput information in writing*** to the department ~~facility throughput information for the previous calendar year.~~ ***within 30 days of the throughput equaling or exceeding 100,000 gallons per rolling 30-day period.***

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

~~Env-Wm 1404.13~~ ***Env-Or 506.02*** ~~Stage I~~ Notification Requirements.

(a) The owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~or bulk gasoline plant~~ ***that is subject to stage I requirements or both stage I and stage II requirements*** shall submit a ~~Form Env-Wm 1404-A, "Stage I~~ Vapor Recovery Notification ***Form" (VRN form) as described in Env-Or 506.03*** to the department ~~pursuant to the following~~ ***as follows***:

(1) At least 30 days prior to any construction, installation, or significant modification ~~involving~~ ***that affects*** a stage I system ***or a stage II system, or both***;

(2) Prior to scheduling a stage II test pursuant to Env-Or 505.11 or decommissioning a stage II system as specified in Env-Or 505.03(b)(1);

(3) At least 10 days prior to a change in ~~usage~~ ***use of a storage tank*** from gasoline to non-gasoline or non-gasoline to gasoline~~.~~***; and***

(~~2~~***4***) Within 10 days after a change of any of the items specified in ~~Env-Wm 1404.14; and~~ ***Env-Or 506.03.***

~~Env-Wm 1404.25~~ (b) ~~When a transfer of~~ ***If*** ownership of ~~any~~ ***a*** gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.17 takes place~~ ***stage I requirements or both stage I and stage II requirements is transferred***, the new owner shall submit a ***completed*** ~~notification~~ ***VRN*** form ~~obtained from the department~~ to the department within 10 days of the transfer.

~~Env-Wm 1404.14~~ (~~b~~c) The owner or ~~responsible official~~ ***operator*** shall ~~verify: (1) The form is~~ sign~~ed~~ and date~~d; and~~ ***the VRN form.***

~~Env-Wm 1404.14 (b)~~(~~2~~***d***) The ~~form is certified by the individual's~~ signature ***of the owner or operator shall constitute:***

(1) Certification that the information on the ***VRN*** form is true and correct to the best of the individual's knowledge and belief~~,~~***; and***

(2) Acknowledgement that the individual is subject to the penalt~~y~~***ies specified in RSA 641:3*** for making unsworn false statements ~~under RSA 641:3~~.

(~~b~~*e*) The department shall, ~~inform such owner or operator~~ within 30 days of receipt ~~if~~ *of* the ~~notification~~ *VRN form, inform the individual who submitted the VRN form of any deficiencies in the notification.* ~~does not sufficiently include the information required in Env-Wm 1404.14, below.~~

(~~e~~*f*) If the department is not able to determine the effectiveness or design of the equipment or system being constructed, installed, or significantly modified, the department shall request additional information in order to make such determination.

~~Env-Wm 1404.14~~ ***Env-Or 506.03*** ~~Form Env-Wm 1404-A, Stage I~~ Vapor Recovery Notification ***Form***. ~~(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility or a bulk gasoline plant, only subject to Env-Wm 1404.05, shall complete and submit to the department a Form Env-Wm 1404-A, "Stage I~~ ***The*** Vapor Recovery Notification ***Form (VRN form)***~~", including~~ ***shall require*** the following information:

(~~1~~*a*) ~~Regarding the facility or plant, t~~***T***he ***name, physical address, mailing address, main telephone number, main fax number, and site number of the gasoline distribution*** facility~~ or plant's:~~;

~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. Site number;~~

Unclear. This should be drafted so as to specify who must supply the info on the form. "Owner or operator"?

(~~2~~*b*) ~~Regarding~~ ***The name, mailing address, daytime telephone number, fax number, and email address of*** each owner of the ***gasoline distribution*** facility;~~ or plant, the owner's:~~

~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. E-mail address;~~

(~~3~~*c*) ~~Regarding a contact person~~ ***The name, mailing address, daytime telephone number, fax number, and email address of the individual who is*** responsible for***:***

(1) T~~t~~he stage I system at the ***gasoline distribution*** facility***; and***

(2) If applicable, the stage II system at the gasoline distribution facility; ~~or plant, the contact person's:~~

~~a. Name;~~
~~b. Physical address;~~
~~c. Mailing address;~~
~~d. Telephone number;~~
~~e. Facsimile number; and~~
~~f. E-mail address;~~

(~~4~~*d*) A description of ***all*** stage I equipment ***at the gasoline distribution facility***, including but not limited to~~,~~ the ~~two~~ *2*-point or coaxial stage I system and, if there is a ~~two~~ *2*-point system, ~~specify~~ ***a statement as to*** whether the dry break adaptor is located on the manifold or on the tank;

(e) For stage II gasoline distribution facilities:

~~Env-Wm 1404.25(d)~~(~~4~~*1*) A description of ***all*** stage II equipment, including but not limited to, the type of system~~, either balance or assist,~~ and the type of vapor assist~~, if applicable~~; ***and***

~~Env-Wm 1404.25(d)~~(~~5~~*2*) Gasoline dispenser information, including but not limited to~~,~~ the number of dispensers and number of nozzles at each dispenser;

(~~5~~*f*) The number of gasoline storage tanks ***at the gasoline distribution facility and for each tank, the size of the tank*** and the grade of gasoline ~~in each tank~~ ***contained in the tank***; ~~and~~

(~~6~~*g*) The date when construction, installation, or significant modification of ***any stage I or stage II equipment at*** the ***gasoline distribution*** facility ~~or plant~~ occurred.

{(b) has been moved and renumbered as Env-Or 506.02(c) and (d)}

~~Env-Wm 1404.15~~ ***Env-Or 506.04*** ~~Stage I~~ Recordkeeping ~~and Reporting~~ Requirements ***for Gasoline Dispensing Facilities***. ~~(a)~~ The owner or operator of a ~~gasoline storage tank subject to Env-Wm 1404.05 at a~~ gasoline dispensing facility ~~or a bulk gasoline plant~~ ***that is subject to this chapter*** shall***:***

(a) ***M***~~m~~aintain ***the following records*** on-site***:***

(1) A copy of this chapter; ~~current Env-Wm 1404 and~~

(~~4~~*2*) ~~A~~ ***The*** records of each monthly maintenance inspection ~~as specified in Env-Wm 1404.08 with a description of all repair work completed on the stage I system~~ ***conducted over the prior 3 years as required by Env-Or 504.05 or Env-Or 505.08, as applicable***;

(~~5~~*3*) ~~A~~ ***The*** records of each annual maintenance inspection ~~as specified in Env-Wm 1404.09 with a description of all repair work completed on the stage I system~~ ***conducted over the prior 3 years as required by Env-Or 504.06 or Env-Or 505.09, as applicable***; ~~and~~

(4) A description of all repair work completed as a result of any of the inspections included in (2) or (3), above; and

Edit. Delete.

(~~3~~*5*) All ***other*** information ~~pertinent to~~ ***regarding*** equipment failures, repairs, and maintenance ***over the prior 3 years that is not included in (4), above***; ***and***

(~~b~~*6*) ***A copy of t***~~T~~he ~~owner or operator of a gasoline storage tank subject to Env-Wm 1404.05 at a gasoline dispensing facility or a bulk gasoline plant shall maintain on site the~~ manual entitled, "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual~~.~~"***;***

(b) ***P***~~p~~rovide ***the following records*** to the department upon request ~~the following~~:

(1) All records of installation ***of stage I equipment and, if applicable, of stage II equipment***;

(2) Bulk liquid receipts;

(~~6~~*3*) A copy of ~~all stage I vapor recovery notification~~ ***each VRN*** form~~s~~ as ~~specified~~ ***described*** in ~~Env-Wm 1404.14~~ ***Env-Or 506.03*** ~~submitted to the department.~~ ***completed for the facility; and***

(4) For stage II systems:

a. A copy of the facility's current permit to operate, as required by Env-Or 505.13; and

b. Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable; and

(c) ~~The owner or operator shall r~~***R***etain ~~indefinitely all~~ ***the*** records ~~of installation~~ ***identified in (a) and (b), above, as specified in table 500-2, below:***

Table 500-2: Required Record Retention Periods

Record Required by Env-Or 506.04	***Description of Record***	***Required Retention Period***
(a)(1)	***The vapor recovery rules, Env-Or 500***	***Duration of the operating life of the facility***
(a)(6)	***The "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual"***	
(b)(2)	***Bulk liquid receipts***	***Until such time as the equipment is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.***
(a)(2)	***A record of each monthly maintenance inspection as specified in Env-Or 504.05 or Env-Or 505.08, as applicable***	***3 years from date of receipt or completion, as applicable, provided that if the owner or operator has been notified of a pending inquiry into the integrity of the gasoline storage tank(s) at the facility, then until such time as the stage I or stage II equipment, as applicable, is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.***
(a)(3)	***A record of each annual maintenance inspection as specified in Env-Or 504.06 or Env-Or 505.09, as applicable***	
(a)(4)	***A description of all repair work completed as a result of any of the inspections included in (a)(2) or (a)(3)***	
(a)(5)	***All other information that is relevant to equipment failures, repairs, and maintenance that is not included in (a)(4)***	
(b)(1)	***All records of installation of stage I equipment and, if applicable, of stage II equipment***	
(b)(4)b.	***For stage II systems:*** ***Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable***	
(b)(3)	***A copy of each Vapor Recovery Notification Form as described in Env-Or 506.03 completed for the facility***	
(b)(4)a.	***For stage II systems:*** ***A copy of the facility's current permit to operate, as required by Env-Or 505.13***	***Until a new or renewed permit to operate is received***

~~(d) The owner or operator shall retain for 3 years the records required to be kept by (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7), above.~~

{(e) has been moved and renumbered as Env-Or 506.01}

PART Env-Or 507 STAGE I REQUIREMENTS FOR CARGO TRUCKS

~~Env-Wm 1404.29~~ ***Env-Or 507.01*** ~~Physical Requirements~~ ***Required Equipment*** for Cargo Trucks.

(a) The owner or operator of a cargo truck ~~subject to Env-Wm 1404.05~~ ***that meets the criteria specified in Env-Or 501.02(d)*** shall~~: (1)~~ ~~I~~install~~,~~ ***and*** maintain~~, and operate~~ a stage I system ***to serve the cargo truck*** that is a certified vapor recovery system~~ or a department approved alternative as specified in Env-Wm 1404.36; and~~.

{(a)(2) has been moved and renumbered as Env-Or 507.03(a)}

(b) ~~The owner or operator shall install a~~***A***ll hoses and ***stage I*** equipment on the cargo truck ~~to~~ ***shall*** be ***specifically manufactured for use in transferring gasoline or otherwise certified by the manufacturer as*** compatible ~~and properly~~ ***with gasoline.***

(c) The cargo truck shall be connected during gasoline delivery to ~~the equipment on the~~ ***a*** gasoline storage tank~~(s) at a gasoline dispensing facility subject to Env-Wm 1404.05 or Env-Wm 1404.17 or a bulk gasoline plant subject to Env-Wm 1404.05~~ using:

(1) For a coaxial system, a separate coaxial coupling with one vapor return hose used for every fill hose in service;

(2) For a ~~two~~ ***2***-point system where the tanks are ***connected with a*** manifold~~ed~~, a minimum of one vapor return hose used for every 2 fill hoses in service; and

(3) For a ~~two~~ ***2***-point system where the tanks are not ***connected with a*** manifold~~ed~~, a separate vapor recovery connection at each tank being filled.

{(c) has been moved and renumbered as Env-Or 507.03(b)}
{(d) has been moved and renumbered as Env-Or 507.03(d)}

~~Env-Wm 1404.30~~ ***Env-Or 507.02*** Maintenance Requirements for Cargo Trucks. The owner or operator of a cargo truck ~~subject to Env-Wm 1404.05~~ ***that is subject to this part*** shall~~: (a)~~ ***m***~~M~~aintain ~~and properly operate~~ stage I equipment as specified by the manufacturer~~;~~ and ***so as*** ~~(b) Maintain stage I equipment~~ to be leak-free and vapor tight.

~~Env-Wm 1404.31~~ ***Env-Or 507.03*** Operational Requirements for Cargo Trucks.

{(a)-(d) have been moved and renumbered as (f)-(h)}

~~Env-Wm 1404.29~~ (a)~~(2)~~ ***The owner or operator of a cargo truck that is subject to this part shall o***~~O~~perate ~~a~~ ***the*** stage I system to recover at least 95% of all gasoline vapors ***released from the gasoline tank to which the fuel is being delivered during unloading operations*** at the facility or ***to*** be at least as efficient as the manufacturer's design efficiency, whichever is higher. This standard shall apply to each cargo truck during each applicable gasoline delivery.

~~Env-Wm 1404.29~~ (~~e~~***b***) During loading ~~and unloading~~ of gasoline at a ***bulk*** gasoline ***loading*** terminal ***and during loading or unloading of gasoline at a bulk gasoline plant***, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed:

(1) A pressure setting of 18.0 inches water column pressure ~~(10.4 oz/in^2)~~; ~~or~~ ***and***

(2) A vacuum setting of 5.9 inches water column vacuum ~~(3.4 oz/in^2)~~.

(c) During unloading of gasoline at a gasoline dispensing facility, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed a vacuum setting of 5.9 inches water column vacuum.

~~Env-Wm 1404.29~~ (d) If a cargo truck does not meet ~~both of~~ the ~~criteria~~ ***requirements*** specified in ***(b) or*** (c), above, ***as applicable,*** the owner or operator of the cargo truck shall repair and retest the truck within 15 days.

(e) The owner or operator of a cargo truck shall securely fasten all hatches on ~~a cargo~~ ***the*** truck ~~and only open the hatches during~~ ***except when access is needed to take a*** measurement of gasoline level or ***perform*** maintenance activities.

(~~e~~***f***) No person shall unload gasoline from a***ny*** cargo truck to a***ny*** gasoline storage tank at a***ny*** gasoline dispensing facility ***that is*** subject to ~~Env-Wm 1404.05~~ ***Env-Or 504*** unless the owner or operator of the facility has installed ***and is maintaining as operational*** a ***certified*** stage I ***vapor recovery*** system ~~or department approved alternative, as specified in Env-Wm 1404.36~~.

~~(b) No person shall deliver gasoline to or receive gasoline from a bulk gasoline plant subject to Env-Wm 1404.05 unless the owner or operator of the plant and of the cargo truck has installed a stage I system or department approved alternative, as specified in Env-Wm 1404.36.~~ *covered by A 1217*

(~~e~~***g***) No person shall deliberately, ***recklessly,*** or negligently vent any ~~captured~~ vapors ***captured by the stage I system serving a cargo truck*** to the atmosphere.

(~~d~~***h***) No person shall deliberately, ***recklessly,*** or negligently mishandle gasoline ***being loaded to or unloaded from a cargo truck*** such that ~~it would result in evaporation~~ ***the gasoline could evaporate*** into the atmosphere~~,~~. ***For purposes of this section, mishandling*** includ~~ing~~***es*** but ***is*** not limited to spilling, discarding into a sewer ***or storm drain***, or storing in an open container.

~~Env-Wm 1404.32~~ ***Env-Or 507.04*** Testing Requirements for Cargo Trucks. The owner or operator of a cargo truck ~~delivering to or receiving from a gasoline storage tank subject to Env-Wm 1404.05~~ ***that is subject to this part*** shall***:***

(a) ***C***~~c~~onduct an annual certification test in accordance with 40 CFR §63.425(e)***; and***

(b) If the cargo truck does not meet the applicable parameters specified in 40 CFR 63.425(e), undertake such repairs as are necessary and retest.

~~Env-Wm 1404.33~~ ***Env-Or 507.05*** Monitoring for Cargo Trucks. The department shall ~~at any time monitor~~ ***inspect*** a cargo truck to ~~confirm the existence of~~ ***determine whether the truck is*** leak tight and vapor tight ~~conditions~~ ***either:***

(a) Upon receipt of information that supports a reasonable conclusion that the truck might not be leak tight and vapor tight, including visual and olfactory information; or

(b) Pursuant to a routine inspection.

~~Env-Wm 1404.34~~ ***Env-Or 507.06*** Treatment of Vapor Requirements for Cargo Trucks. The owner or operator of a cargo truck ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** shall dispose of the vapors at ~~the~~ ***a*** bulk terminal ***equipped with a certified stage I vapor recovery system,*** ~~by~~ ***using*** the vapor collection system and vapor destruction methods described in Env-A ~~1204.40(b)(3), (4) and (5)~~ ***1217.06(c)***.

~~Env-Wm 1404.35~~ ***Env-Or 507.07*** Recordkeeping Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck ***that is*** subject to ~~Env-Wm 1404.05~~ ***this part*** shall maintain in the cargo truck at all times ~~and provide to the department upon request~~ the following:

(1) Documentation that the cargo truck has met the ~~specifications~~ ***requirements*** of ~~Env-Wm 1404.32~~ ***Env-Or 507.04;*** ~~and Method 27 of 40 CFR 60, Appendix A, including all of the information required pursuant to 40 CFR §60.505;~~

(2) Test results for both the pressure and vacuum tests ~~as~~ required by ~~Env-Wm 1404.32~~ ***Env-Or 507.04***; and

(3) Proof of compliance and the date of all tests conducted in accordance with the stage I testing requirements for cargo trucks as stated in this part, which shall be displayed on the cargo truck.

(b) The driver of a cargo truck that is subject to this part shall provide the documents listed in (a), above, to the department for inspection and copying upon request.

PART Env-Or 508 WAIVERS

~~Env-Wm 1404.36~~ ***Env-Or 508.01*** ~~Waivers~~ ***Applicability***. ~~(a)~~ An owner ***or operator*** ~~may request~~ ***who wishes to obtain*** a waiver ~~for any gasoline vapor recovery system, system component, or test method that is an alternative to which is specified by this part~~ ***from any rule in this chapter shall request the waiver as specified in Env-Or 508.02.***

Env-Or 508.02 Waiver Requests.

(a) Each request for a waiver shall be filed in writing by the owner or operator who is seeking the waiver.

(b) The person ~~seeking approval of the alternative~~ ***requesting the waiver*** shall ~~submit in writing to the department~~ ***provide*** the following information ***to the department***:

~~(1) A description of the proposed alternative system, system component, or test method for which the requested waiver is being sought;~~

(1) The name, mailing address, and daytime telephone number of the requestor and, if available, a fax number and e-mail address of the requestor;

(2) ~~A description~~ ***As applicable, the name, physical address, and site number*** of the facility to which the waiver request relates, ~~including the name, address, and registration number of the facility~~ ***or the registration number of the cargo truck to which the waiver would apply***;

(3) ~~A~~ ***The*** specific ~~reference to the section of the~~ rule ***section or paragraph*** for which a waiver is being ~~sought~~ ***requested***;

(4) A full explanation of ~~the alternatives for which~~ ***why*** a waiver is ~~sought~~ ***being requested,*** ~~with backup calculations and data for support~~ ***including an explanation of the consequences of complying with the rule as written***; and

Edit. Delete.

~~(5) Technical data and information demonstrating that:~~
~~a. An alternative which will accomplish the same purpose as the specified system or system component or test method; and~~
~~b. An alternative which will result in at least 95% vapor recovery.~~

(5) Whether the need for the waiver is temporary, and if so, the estimated length of time that the waiver will be needed;

(6) If applicable, a full explanation of the alternative that is proposed to be substituted for the requirement in the rule, including written documentation or data, or both, to support the alternative; and

(7) A full explanation of why the applicant believes that having the waiver granted will meet the criteria in Env-Or 508.03.

(c) The requestor shall sign and date the request.

(d) The signature shall constitute certification that:

(1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and

(2) The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.

Env-Or 508.03 Waiver Criteria.

(a) Subject to (b) and (c), below, the department shall grant a waiver if:

(1) Granting a waiver will not result in an adverse impact on the environment, public health, or public safety that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

a. Granting a waiver is consistent with the intent and purpose of the rule being waived; or

b. Strict compliance with the rule will provide no benefit to the public or the environment.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify any state statute, unless a waiver is expressly allowed by the statute that would be waived.

(c) No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted.

Env-Or 508.04 Decision on Waiver Requests; Conditions.

(~~e~~***a) The department shall notify the requestor of the decision in writing w***~~W~~ithin 60 days of receipt of a ~~complete submission~~ ***request*** that meets the requirements of ~~(a), above, the department shall grant a waiver upon finding;~~ ***Env-Or 508.02.***

~~(1) The alternatives proposed are at least equivalent to the specific requirements contained in the rule; or~~

~~(2) If the alternatives proposed are not equivalent to the requirements contained in the rule, they are adequate to ensure that the intent of RSA 125-C and these rules is met.~~

(b) If the request is denied, the department shall identify the specific reason(s) for the denial.

(c) The department shall include such conditions in a waiver as are necessary to ensure that the criteria of Env-Or 508.03 will be met.

(d) If the need for a waiver is temporary, the waiver shall specify the date on which it will expire.

PART Env-Or 509 REFERENCE STANDARDS

Based on this language, it appears that incorp. by reference statements are needed for all documents in (a) and (b).

~~Env-Wm 1404.37~~ ***Env-Or 509.01*** Reference Standards. A vapor recovery system for an underground or aboveground gasoline storage tank ***or cargo truck shall be designed, installed, tested, and*** certified for use ~~shall be~~ ***in accordance with one or more of the applicable reference standards listed below:***

Also, this would require inclusion in Appendix A.

(a) PEI/RP 300, "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites", Petroleum Equipment Institute, 2009 edition; and

(b) The CARB executive orders, approval letters, and test methods ~~as~~ set forth in table ~~1404.3~~ ***500-2***, below~~.~~***:***

Table ~~1404.3~~ ***500-2: CARB*** Reference Standards

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 2 – G	Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 4 – A	Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/23/77
G – 70 – 5	Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05/06/93
G – 70 – 6	Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04/26/77
G – 70 – 7 – AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03/22/93
G – 70 – 8	Modification of the Certification of the Chevron Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	07/13/77
G – 70 – 9 – A	Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tanks Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G – 70 – 10 – A	Modification of the Certification of ~~al~~ ***the*** Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G – 70 – 14 – AA	Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02/28/83
G – 70 – 17 – AD	Modification of the Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05/06/93
G – 70 – 18 – C	Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System	08/28/79
G – 70 – 20	Modification of the Certification of the Texaco Stage I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/21/78
G – 70 – 23 – AC	Recertification of the Exxon Balance Phase II Vapor Recovery System	04/29/96
G – 70 – 25 – AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02/08/83

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 33 – AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03/09/84
G – 70 – 34 – A	Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adaptor for Military Delivery Tanks to Include the Parker Hannifin F428A	08/13/79
G – 70 – 36 – AD	Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/18/92
G – 70 – 37 – B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01/22/80
G – 70 – 38 – AB	Recertification of the Texaco Balance Phase II Vapor Recovery System	12/19/90
G – 70 – 47 – B	Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 48 – AA	Recertification of the Mobile Oil Balance Phase II Vapor Recovery System	020/8/83
G – 70 – 49 – AA	Recertification of the Union Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 50	Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12/05/79
G – 70 – 52 – AM	Certification of the Components for Red Jacket, Hirt, and Bala2nce Phase II Vapor Recovery System	~~10/04/91~~ ***11/19/09***
G – 70 – 53 – AA	Recertification of the Chevron Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 70 – AC	Certification of the Healy Phase II Vapor Recovery System for Service Stations	06/23/92
G – 70 – 77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/15/82
G – 70 – 78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components	05/20/83
G – 70 – 97 – A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/09/85
G – 70 – 101 – B	Recertification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11/15/85
G – 70 – 102 – A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05/25/93
G – 70 – 106	Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01/27/86
G – 70 – 107	Certification of the rainbow Petroleum Products Model RA3003, RA3005, RA3006, and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05/15/86
G – 70 – 110	Certification of the Stage I and Stage II Vapor Recovery Systems for Methanol Fueling Facilities	01/20/87
G – 70 – 116 – F	ConVault Aboveground Tank Vapor Recovery System	11/30/95

For any updated materials being incorporated by reference, an explanation of the differences is required pursuant to Committee Rule 201.02(d). Comment applies wherever applicable.

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 118 – AB	Certification of the Amoco V-1 Vapor Recovery System	03/31/95
G – 70 – 125 – AA	Modification of the Certification of the Husky Model V Phase II Vapor Recovery Nozzle	03/16/93
G – 70 – 127	Certification of the OPW Model 111-V Phase II Vapor Recovery Nozzle	08/16/90
G – 70 – 128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System	08/27/90
G – 70 – 130 – A	Petrovault Aboveground Tank Vapor Recovery System	02/26/93
G – 70 – 131 – A	Tank Vault Aboveground Tank Vapor Recovery System	03/17/92
G – 70 – 132 – A	Supervault Aboveground Tank Vapor Recovery System	10/16/90
G – 70 – 132 – B	Supervault Aboveground Tank Vapor Recovery System	05/16/95
G – 70 – 134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery Nozzle	12/21/90
G – 70 – 136	FireSafe Aboveground Tank Vapor Recovery System	04/15/91
G – 70 – 137	FuelSafe Aboveground Tank Vapor Recovery System	10/4/91
G – 70 – 139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03/17/92
G – 70 – 140 – A	Integral Phase I and II Aboveground Configurations with the Healy Phase II Vapor Recovery System	07/1/92
G – 70 – 142 – B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09/09/94
G – 70 – 143	P/T Vault Aboveground Tank Vapor Recovery System	08/07/92
G – 70 – 147 – A	Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07/11/96
G – 70 – 148 – A	Lube Cube Aboveground Tank Vapor Recovery System	05/04/95
G – 70 – 150 – AE	Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07/12/00
G – 70 – 152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System	10/31/93
G – 70 – 153 – AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04/30/00
G – 70 – 154 – AA	Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06/10/97
G – 70 – 155	Petroleum Marketing Aboveground Tank Vapor Recovery System	03/12/94
G – 70 – 156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System	05/23/94
G – 70 – 157	Ecovault Aboveground Tank Balance Vapor Recovery System	05/23/94
G – 70 – 158 – A	Firesafe Aboveground Tank Vapor Recovery System	05/24/95
G – 70 – 159 – AB	Modification to the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System	07/17/95
G – 70 – 160	Above Ground Tank Vault Vapor Recovery System	11/09/94
G – 70 – 161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System	11/30/94

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 162 – A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System	02/15/95
G – 70 – 163 – AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System	09/04/96
G – 70 – 164 – AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12/10/96
G – 70 – 165	Healy Vacuum Assist Phase II Vapor Recovery System	04/20/95
G – 70 – 167	EnviroVault Aboveground Tank Vapor Recovery System	01/09/96
G – 70 – 168	Bryant Fuel Systems Phase I Vapor Recovery System	10/15/95
G – 70 – 169 – AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08/11/97
G – 70 – 170	Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02/22/96
G – 70 – 175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04/18/96
G – 70 – 177 – AA	Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	06/22/00
G – 70 – 179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System	07/02/97
G – 70 – 180	Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04/17/97
G – 70 – 183 – AA	Language Correction in Existing Executive Order G-70-183 (Healy/Franklin System)	06/29/01
G – 70 – 186	Certification of the Healy Model 400 ORVR Vapor Recovery System	10/26/98
G – 70 – 187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09/13/99
G – 70 – 188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05/18/99
G – 70 – 190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System	10/08/99
G – 70 – 191 – AA	Language Correction in Existing Executive Order G-70-191 (Healy Model 600 ORVR/800)	~~07/30/01~~ ***09/28/06***
G – 70 – 192	Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	11/24/99
G – 70 – 193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	~~12/09/99~~ ***11/07/07***
G – 70 – 194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System	05/11/00
G – 70 – 195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System	03/31/00
G – 70 – 196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12/30/00
G – 70 – 197	Synchrotek Fastflo 3 Phase II Vapor Recovery System	06/25/01
G – 70 – 198	Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06/04/01

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 199 – AH	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01/23/02
G – 70 – 200	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04/22/02
G – 70 – 201	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04/22/02
G – 70 – 202	Oldcastle Aboveground Below – Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04/22/02
Approval Letter #07-08	***Catlow Model CTMVA Cam Twist Breakaway***	***11/07/07***
VR – 101 – B	Phil-Tite Phase I Enhanced Vapor Recovery System with Ball Float Overfill Prevention	07/12/02
VR – 102 – A	OPW Phase I Vapor Recovery System	10/10/02
VR-203-A	***Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)***	***11/05/07***
Approval Letter #09-02	***Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems***	***06/01/09***
TP-201.1E	***Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves***	***10/08/03***
CP-201	***Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities***	***02/09/05***

Appendix A: Incorporation by Reference Information

Rule Section	**Title**	**Dated**	**Obtain at:**
Env-Or 504.09(a)	CARB TP 201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10-03-2008	
Env-Or 504.10(a); Env-Or 505.12	CARB TP 201.3 Pressure Decay	03-17-1999	
Env-Or 505.03(b)	Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300, Section 14, Decommissioning Stage II Vapor Recovery Piping	2009	
Env-Or 505.12	CARB TP 201.4 Dynamic Back Pressure	07-03-2002	
	CARB TP 201.5 Air to Liquid Ratio	02-01-2001	

It appears that this Appendix needs to be expanded. Also, please cite the rules to the paragraph level for each rule, and specify where, and at what cost, the incorporated materials may be obtained.

~~Executive Order Number~~ ***CARB ID***	Description	Date
G – 70 – 199 – AH	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01/23/02
G – 70 – 200	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04/22/02
G – 70 – 201	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04/22/02
G – 70 – 202	Oldcastle Aboveground Below – Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04/22/02
Approval Letter #07-08	***Catlow Model CTMVA Cam Twist Breakaway***	***11/07/07***
VR – 101 – B	Phil-Tite Phase I Enhanced Vapor Recovery System with Ball Float Overfill Prevention	07/12/02
VR – 102 – A	OPW Phase I Vapor Recovery System	10/10/02
VR-203-A	***Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)***	***11/05/07***
Approval Letter #09-02	***Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems***	***06/01/09***
TP-201.1E	***Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves***	***10/08/03***
CP-201	***Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities***	***02/09/05***

Appendix A: Incorporation by Reference Information

Rule Section	Title	Dated	Obtain at:
Env-Or 504.09(a)	CARB TP 201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10-03-2008	
Env-Or 504.10(a); Env-Or 505.12	CARB TP 201.3 Pressure Decay	03-17-1999	
Env-Or 505.03(b)	Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300, Section 14, Decommissioning Stage II Vapor Recovery Piping	2009	
Env-Or 505.12	CARB TP 201.4 Dynamic Back Pressure	07-03-2002	
	CARB TP 201.5 Air to Liquid Ratio	02-01-2001	

Please cite to paragraph level.

It appears that this Appendix needs to be expanded. Also, please specify where, and at what cost, the incorporated materials may be obtained.

Appendix B: State and Federal Statutes Implemented

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Appendix C: Definitions from State Statutes

RSA 125-C:2, II: "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

RSA 125-C:2, VIII: "Emission" means a release into the outdoor air of air contaminants.

Appendix D: *PV Vent Cap Pressure and Vacuum Requirements* in effect immediately prior to the effective date of this chapter

Edit. "2012"?

Env-Wm 1404.06 Stage I Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an underground gasoline storage tank as follows:

(1) For pressure, 13.8 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 0.9 inches water column vacuum (0.5 oz/in^2).

(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:

(1) For pressure, the lower of the following two values:

a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or

b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in^2).

Env-Wm 1404.18 Stage II Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install a stage II system with a PV vent cap setting as follows:

(1) For pressure, 3.0 inches water column pressure (1.7 oz/in^2); and

(2) For vacuum, 8.0 inches water column vacuum (4.6 oz/in^2).

TITLE X
PUBLIC HEALTH

CHAPTER 125-C
AIR POLLUTION CONTROL

Section 125-C:4

125-C:4 Rulemaking Authority; Subpoena Power. –

I. The commissioner shall adopt rules under RSA 541-A, relative to:

(a) The prevention, control, abatement, and limitation of air pollution, including, but not limited to, open air source pollution, mobile source pollution, and stationary source pollution.

(b) Primary and secondary ambient air quality standards.

(c) Procedures to meet air pollution emergencies, as authorized by RSA 125-C:9.

(d) The establishment and operation of a statewide permit system, as authorized by RSA 125-C:6, XIV, RSA 125-C:11, I and RSA 125-C:11, I-a.

(e) Devices, in addition to those devices defined under RSA 125-C:2, subject to the permit requirements of RSA 125-C:11, as authorized by RSA 125-C:11, II.

(f) The exemption of certain devices and non-Title V sources from the permit requirements of RSA 125-C:11, I and the conformance of exempted devices to established standards, as authorized by RSA 125-C:11, I.

(g) The forms and information required on applications for temporary and permanent permits required under RSA 125-C:11, as authorized by RSA 125-C:12, I.

(h) Notification of and public hearing on permit applications, including exemptions from those requirements, as authorized by RSA 125-C:12, II.

(i) Fees for permit application and review, as authorized by RSA 125-C:12, IV-d.

(j) Procedures for permit application review, as authorized by RSA 125-C:11, IV, and criteria for permit denial, suspension or revocation, as authorized by RSA 125-C:13.

(k) Procedures for air testing and monitoring and recordkeeping, as authorized by RSA 125-C:6, XI.

(l) Procedures for receiving violation complaints and for rules enforcement, as authorized by RSA 125-C:15, I.

(m) Procedures for granting variances, as authorized by RSA 125-C:16.

(n) The manufacture, use, or sale of consumer products for purposes of implementing RSA 485:16-c.

(o) Applicability thresholds for emissions of particulate matter, mercury, and dioxin as provided in RSA 125-C:10-b, VII(f).

(p) The duration of time during which no additional best available control technology determination is required as provided in RSA 125-C:10-b, IV and VI.

(q) Procedures for establishing standards for and certification of any material, that is not an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-b.

(r) Standards and testing requirements for biomass and eligible biomass fuel as authorized by RSA 125-C:6, XIV-a.

I-a. In adopting rules under paragraph I, the department may incorporate by reference standards issued by the California air resources board relative to certification and testing of vapor recovery equipment.

I-b. In adopting rules under subparagraph I(n), the department may incorporate by reference other state test methods and procedures that are referenced in the model rules of the Ozone Transport Commission (OTC) concerning consumer products, as defined in RSA 125-C:2, V-c.

II. The commissioner is authorized to issue subpoenas requiring the attendance of such witnesses and the production of such evidence and to administer such oaths and to take such testimony as he may deem necessary.

Source. 1979, 359:2. 1986, 202:8. 1996, 228:19, 104; 278:2, 3. 2001, 293:5. 2003, 137:3. 2004, 175:2, eff. May 27, 2004. 2005, 173:3, eff. June 29, 2005. 2008, 113:3, eff. Aug. 2, 2008. 2010, 183:6, eff. June 21, 2010.

FINAL PROPOSAL FILING

STATE OF NEW HAMPSHIRE

DATE November 1, 2012

FROM Thomas S. Burack
Commissioner

AT (OFFICE) DES

SUBJECT Final Proposal #2012-111

TO Office of Legislative Services
Division of Administrative Rules

In accordance with RSA 541-A:12, enclosed please find the Final Proposal Cover Sheet with attachments, including the corresponding rules, for the following:

Env-Or 500: Recovery of Gasoline Vapors

If you have any questions, please contact Gretchen Hamel at 271-3137.

Enclosures

cc: Gretchen Hamel, Administrator, DES Legal Unit

ec: Michael W. Juranty, P.E., Supervisor, Oil Compliance Section
Barbara Hoffman, SIP Planning Manager

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2012-111 Rule Number Env-Or 500 (currently Env-Wm 1404)

1. Agency Name & Address:

NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority: RSA 125-C:4, I(a)

3. Federal Authority: 42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

4. Type of Action:

- ☐ Adoption
- ☐ Amendment
- ☐ Repeal
- ☐ Readoption
- ☒ Readoption w/amendment

5. Short Title: Recovery of Gasoline Vapors

6. Contact person for copies and questions:

Name: Michael W. Juranty, P.E. Title: Supervisor, Oil Compliance Section

Address: NH Dept. of Environmental Services
29 Hazen Drive; P.O. Box 95
Concord, NH 03302-0095

Phone #: (603) 271-6058

7. Yes ☐ No ☒ Agency requests Committee legal counsel review and delayed Committee review pursuant to RSA 541-A:12, I-a

8. The rulemaking notice appeared in the Rulemaking Register on **August 16, 2012**.

9. Yes ☐ N/A ☒ Agency notified policy committees, or House Speaker and Senate President, pursuant to RSA 541-A:10, I, because this is the first time this rule or its amendments have been proposed to implement newly-enacted state authority.

SEE THE INSTRUCTIONS--PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET AND 2 COPIES OF THE FOLLOWING:
(and numbered correspondingly)

10. The "Final Proposal-Fixed Text", including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

11. Yes ☒ N/A ☐ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text" indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(e).

13. Yes ☐ N/A ☒ The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

Change the heading of Env-Wm 1404 and renumber as Env-Or 500 as follows:
CHAPTER Env-Or 500 RECOVERY OF GASOLINE VAPORS

Statutory Authority: RSA 125-C:4, I(a); RSA 125-C:6, II & XIV

Insert a heading for Env-Or 501 as follows:
PART Env-Or 501 PURPOSE; APPLICABILITY

Readopt with amendment Env-Wm 1404.01 through Env-Wm 1404.16, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 501.01 through Env-Or 504.11, to read as follows:

Env-Or 501.01 Purpose. The purpose of this part is to regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended.

Env-Or 501.02 Applicability. This chapter shall apply to gasoline storage tanks, gasoline dispensing facilities, and cargo trucks as follows:

(a) Env-Or 503 shall apply to all gasoline storage tanks having a capacity of 250 gallons or greater;

(b) Env-Or 504, Env-Or 506, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any gasoline dispensing facility, including those at airports and marinas, that:

(1) Has any gasoline storage tank with a capacity equal to or greater than 1,100 gallons of gasoline; or

(2) Has a total facility throughput of equal to or greater than 10,000 gallons of gasoline per rolling 30-day period;

(c) Env-Or 505 shall apply to any gasoline dispensing facility that:

(1) Is subject to stage I requirements; and

(2) Meets the criteria specified in Env-Or 505.01(a); and

(d) Env-Or 507, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any cargo truck that delivers gasoline to any gasoline dispensing facility that meets the applicability criteria for stage I as stated in (b), above.

Env-Or 501.03 Cargo Trucks at Bulk Facilities. The owner or operator of any cargo truck that receives gasoline from a bulk gasoline loading terminal as defined in Env-A 1202.22 or that delivers gasoline to or receives gasoline from a bulk gasoline plant as defined in Env-A 1202.23 shall comply with the vapor recovery requirements in Env-A 1217.

PART Env-Or 502 DEFINITIONS

Env-Or 502.01 "2-point system" means a type of stage I system which uses a vapor return connection at the gasoline storage tank or at the manifold that is independent of the fill connection, for which separate connections are made for the gasoline and vapor recovery hoses. This is also known as a "dual-point system."

Env-Or 502.02 "Air contaminant" means "air contaminant" as defined in RSA 125-C:2, II, as reprinted in Appendix C.

Env-Or 502.03 "Assist system" means a type of stage II system which uses a vacuum pump to assist the transfer of displaced vapors from a motor vehicle fuel tank into a gasoline storage tank at a gasoline dispensing facility.

Env-Or 502.04 "Balance system" means a type of stage II system which relies on a tight seal between the nozzle and the vehicle fill port which causes the displacement and transfer of vapors from a motor vehicle fuel tank into a gasoline storage tank.

Env-Or 502.05 "Cargo truck" means any motor vehicle designed or used to transport or deliver gasoline. The term includes "gasoline tank truck" as used in Env-A 1217 and "gasoline cargo tank" as used in 40 CFR Part 63, Subpart CCCCCC.

Env-Or 502.06 "Certified vapor recovery system" means a vapor recovery system that is configured, certified, and operated as specified in the applicable reference standard in Env-Or 509.

Env-Or 502.07 "Coaxial system" means a type of stage I system which consists of a tube within a tube, such that gasoline is delivered to the gasoline storage tank through the inner tube and the vapors from the gasoline storage tank are returned via the interstice surrounding the fill tube, with a single coupling servicing both the gasoline and vapor recovery hoses.

Env-Or 502.08 "Emission" means "emission" as defined in RSA 125-C:2, VIII, as reprinted in Appendix C.

Env-Or 502.09 "Gasoline" means motor fuel containing any petroleum distillate where the Reid vapor pressure of the fuel is greater than 4.0 pounds per square inch (psi).

Env-Or 502.10 "Gasoline dispensing facility" means any stationary facility that dispenses gasoline directly into the fuel tank of a motor vehicle, motorized water vessel, or airplane. The term includes all equipment necessary for the purpose, including but not limited to nozzles, dispensers, pumps, vapor return lines, plumbing, and gasoline storage tanks.

Env-Or 502.11 "Gasoline storage tank" means any tank used to store gasoline other than a tank that is used as part of the bulk operations at a bulk gasoline loading terminal or bulk gasoline plant.

Env-Or 502.12 "Leak free" means a system where no gasoline is leaked while the system is pressurized.

Env-Or 502.13 "Lower explosive limit (LEL)" means the lowest concentration of a gas or vapor percentage by volume in air that burns or explodes if an ignition source is present at ambient temperature.

Env-Or 502.14 "Manifold" means a device used to interconnect gasoline storage tanks via a tank vent piping system at a gasoline dispensing facility.

Env-Or 502.15 "Monthly throughput" means "monthly throughput" as defined in 40 CFR §63.11132, as reprinted in Appendix C.

Env-Or 502.1***6***~~5~~ "Motor vehicle" means an on-road vehicle powered in whole or in part by an internal combustion engine.

Env-Or 502.1***7***~~6~~ "Onboard refueling vapor recovery (ORVR)" means a vapor recovery system required by 40 CFR 86 that is located within a motor vehicle to collect the vapors accumulated in the fuel tank during refueling, as well as new fuel vapors generated during the refueling process, before the fuel vapors escape into the atmosphere.

Env-Or 502.1***8***~~7~~ "ORVR compatible" means, as applied to a stage II system, that the system is designed for use with both ORVR and non-ORVR equipped vehicles.

Env-Or 502.***19***~~08~~ "Owner or operator" means "owner or operator" as defined in 40 CFR §51.100, ***as reprinted in Appendix C.*** ~~namely "any person who owns, leases, operates, controls, or supervises a facility,~~

~~building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect."~~

Env-Or 502.***20***~~19~~ "Poppetted dry break" means a stage I coupling equipped with a poppet valve that prevents vapors in a gasoline storage tank from escaping when a vapor return hose is not connected.

Env-Or 502.2***1***~~0~~ "Pressure/Vacuum (PV) vent cap" means a relief valve installed on a stage I or stage II system that is designed to open at specific pressure and vacuum settings to protect the system from excessive pressure or vacuum.

Env-Or 502.22 "Reid vapor pressure" means the absolute vapor pressure as determined by the American Society for Testing and Materials (ASTM), test method D323-08.

Env-Or 502.2***3***~~1~~ "Significant modification" means any construction or alteration of a stage I or stage II system that is not normal upkeep or maintenance.

Env-Or 502.2***4***~~2~~ "Stage I" means the regulatory system that requires the capture of vapors from bulk gasoline transfers.

Env-Or 502.2***5***~~3~~ "Stage I system" means the stage I equipment installed to recover gasoline vapors displaced from a gasoline storage tank during gasoline delivery and feed the vapors back into the cargo truck.

Env-Or 502.2***6***~~4~~ "Stage I equipment" means all components and connections in a stage I system including but not limited to dry breaks, two-point fill adaptors, coaxial fill adaptors, PV vent caps, vent piping, manifold piping, and gasoline storage tanks on which the stage I controls are located.

Env-Or 502.2***7***~~5~~ "Stage II" means the regulatory system that requires the capture of vapors from gasoline transfers from bulk storage to individual motor vehicles.

Env-Or 502.2***8***~~6~~ "Stage II system" means the stage II equipment installed at a gasoline dispensing facility to recover gasoline vapors displaced from a motor vehicle fuel tank during refueling of the motor vehicle and return the vapors to the facility's gasoline storage tank.

Env-Or 502.2***9***~~7~~ "Stage II equipment" means all components and connections in a stage II system including but not limited to vapor return piping, coaxial hoses through which the vapor flows, gasoline nozzles, vapor pumps, and gasoline dispensers, as applicable.

Env-Or 502.***30***~~28~~ "Submerged fill tube" means a tube used to load or deliver gasoline into a gasoline storage tank where the gasoline discharge is totally submerged throughout the entire gasoline delivery.

Env-Or 502.***31***~~29~~ "Swivel adaptor" means a device mounted on the fill riser pipe and vapor return riser of a gasoline storage tank that prevents loosening or over-tightening of the adaptor by means of a swivel-type mechanism.

Env-Or 502.3***2***~~0~~ "Test tee fitting" means a branched connection located in the vapor return piping below the dispenser for purposes of testing the vapor return piping.

Env-Or 502.3***3***~~1~~ "Throughput" means the amount of gasoline dispensed by a gasoline dispensing facility.

Env-Or 502.3***4***~~2~~ "Topping off" means attempting to dispense additional gasoline into a motor vehicle fuel tank after a vapor recovery dispensing nozzle has automatically shut off in order to prevent the dispensing of any more gasoline. This term does not include the filling of a motor vehicle fuel tank where the nature and configuration of the vehicle's fill pipe causes the premature shut off of the dispensing nozzle.

Env-Or 502.3~~53~~ "Ullage" means the empty volume of a gasoline storage tank system that contains liquid gasoline. For vapor recovery systems, ullage is expressed as accumulated gallons of empty volume for all of the gasoline storage tanks in a certified vapor recovery system.

Env-Or 502.3~~64~~ "Vapor tight" means equipment or a system where there is no loss of vapors, as determined by ensuring that the concentration of vapors at a potential leak source is not equal to or greater than 100 percent of the LEL when measured with a combustible gas detector, calibrated with hexane or equivalent, at a distance of one inch from the source.

Env-Or 502.3~~75~~ "Working days" means calendar days exclusive of weekends and state holidays.

PART Env-Or 503 REQUIREMENTS APPLICABLE TO ALL GASOLINE STORAGE TANKS 250 GALLONS OR GREATER

Env-Or 503.01 Submerged Fill Tube Requirements. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Equip the tank with a submerged fill tube;

(b) Install the submerged fill tube so there is a clearance of at least 4 inches but less than 6 inches between the bottom of the tank and the point at which gasoline can first exit the submerged fill tube; and

(c) Use the submerged fill tube whenever fuel is being added to the tank.

Env-Or 503.02 Gasoline Mishandling Prohibited. No person shall deliberately, recklessly, or negligently mishandle gasoline being delivered to or unloaded from a gasoline storage tank having a capacity equal to or greater than 250 gallons such that gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding onto the ground or into a sewer or storm drain, or storing in an open container.

Env-Or 503.03 Throughput Recordkeeping Required. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Record ***daily*** gasoline throughput volume;

(b) Maintain the records required by (a), above, for not less than 3 years; and

(c) Make such records available for inspection and copying upon written request by the department or the U.S. Environmental Protection Agency ***(EPA)***.

Env-Or 503.04 Required Throughput Reporting.

(a) The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons at a gasoline dispensing facility that has not been subject to stage I requirements shall report throughput information in writing to the department within 30 days of the facility's throughput equaling or exceeding 10,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

PART Env-Or 504 STAGE I REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Env-Or 504.01 Continuing Applicability of Stage I Requirements For Gasoline Dispensing Facilities. Any gasoline dispensing facility that meets the applicability criteria specified in Env-Or 501.02(b) shall continue to be subject to the stage I requirements even if a reduction in throughput occurs that would otherwise exempt the facility from these requirements.

Env-Or 504.02 Stage I Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Install and maintain a stage I system that is a certified vapor recovery system;

(2) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap;

(3) Label each PV vent cap with the cap's rated pressure and vacuum relief setting;

(4) Position the label specified in (3), above, so that it is visible from ground level;

(5) Install a submerged fill tube as specified in Env-Or 503.01;

(6) For a two-point system:

a. Install a poppetted dry break on the vapor return connection; and

b. Equip the poppetted dry break with a properly sealed adaptor cap attached at all times, except when gasoline is being delivered; and

(7) Install a fill adaptor cap with a properly sealed gasket attached at all times, except when gasoline is being delivered.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps on underground gasoline storage tanks and on aboveground gasoline storage tanks as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the ***2012*** effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.06(b) or (d) in effect immediately prior to the ***2012*** effective date of this chapter, as reprinted in Appendix ~~E~~ ***D*** and as applicable, the owner or operator may continue to use the PV vent cap until the earlier of***:***

(1) ***Three*** ~~3~~ years from the ***2012*** effective date of this chapter***;*** ~~or:~~

(***2***~~1~~) The cap is required to be replaced pursuant to Env-Or 504.05(c)(2); or

(***3***~~2~~) Stage I testing is required pursuant to one of the conditions of Env-Or 504.07(a).

Env-Or 504.03 Stage I System Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Operate the stage I system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(2) Operate all stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(3) Use the installed submerged fill tube to fill the tank.

(b) No person shall transfer or allow the transfer of gasoline into a gasoline storage tank at a gasoline dispensing facility that is subject to this part unless the tank is equipped with an operational stage I certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any gasoline vapors captured by a stage I system to the atmosphere.

Env-Or 504.04 Required Stage I System Inspections and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) Conduct monthly maintenance inspections of all stage I equipment at the facility as specified in Env-Or 504.05;

(b) Conduct an annual maintenance inspection of all stage I equipment at the facility as specified in Env-Or 504.06;

(c) Maintain stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(d) Maintain all stage I equipment, except PV vent caps, to be leak free and vapor tight.

Env-Or 504.05 Stage I System Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 504.04(a) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document each monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Check all vent risers for visible damage and repair as necessary;

(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;

(3) Remove and discard any gasoline, water, or debris present in each spill bucket in accordance with Env-Hw 100-1100;

(4) Check each coaxial fill adaptor cap, 2-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;

(5) If any coaxial fill adaptor cap, 2-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if a gasket is missing or damaged, repair or replace the cap or gasket as applicable;

(6) Replace any failed fill adaptor with a swivel adaptor;

(7) Check each coaxial fill adaptor, 2-point fill adaptor, and dry break adaptor for tightness and tighten with a wrench any adaptor that can be hand rotated; and

(8) For a 2-point system:

a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the valve seat of the adaptor and replace the dry break adaptor with a swivel dry break adaptor if a continuous seal is not present; and

b. Check that the poppet valve depresses evenly across the valve seat of the dry break adaptor and that it reseats properly, and replace the dry break adaptor with a swivel dry break adaptor if either condition is not met.

(d) If the owner of the facility is a political subdivision, a dry break adaptor that does not meet the requirements of (c)(8), above, ~~may~~ ***shall*** be repaired or replaced with a non-swivel type dry break adaptor if the political subdivision chooses to not pay for a swivel-type adaptor.

Env-Or 504.06 Stage I System Annual Maintenance Inspection.

(a) Subject to (e), below, the owner or operator shall perform the annual maintenance inspections required by Env-Or 504.04(b):

(1) No later than September 30 of each calendar year; and

(2) Subject to (b), below, no sooner than 10 months after the prior annual inspection.

(b) If a stage I test is done in lieu of an annual inspection as provided in (e), below, the owner or operator shall perform the next annual maintenance inspection no sooner than 10 months after the stage I test.

(c) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(d) During each annual maintenance inspection, the owner or operator shall:

(1) Perform all inspections and maintenance specified in Env-Or 504.05 for monthly inspections;

~~(2) For each adaptor other than any swivel adaptors, remove the adaptor from its riser pipe, clean the threads on the adaptor and riser pipe, apply gasoline-resistant thread sealant to the cleaned threads, thread the adaptor back onto the riser pipe, and tighten in accordance with the manufacturer's recommendations;~~

(***2***~~3~~) Replace or permanently plug each drain valve located in each spill bucket;

(***3***~~4~~) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and

(***4***~~5~~) Ensure that the submerged fill tube has the clearance specified in Env-Or 503.01(b).

(e) An annual maintenance inspection shall not be required for any calendar year in which the stage I system successfully passes a stage I system test performed as specified in Env-Or 504.07 through Env-Or 504.10 prior to the due date of the annual inspection as specified in (a), above.

Env-Or 504.07 Stage I System Testing Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage I system testing as specified in Env-Or 504.08 through Env-Or 504.10:

(1) For tanks at gasoline dispensing facilities having a throughput of 100,000 gallons per month or more, at least once every 3 years; and

(2) For all tanks, within 30 days of:

a. Failing to perform 2 monthly maintenance inspections in accordance with Env-Or 504.05 in any given calendar year;

b. Failing to perform the annual maintenance inspection as required by Env-Or 504.06(a); or

c. Discovering that the stage I system is not functioning as specified in the applicable stage I certification reference standard in Env-Or 509.

(b) The owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing at least 7 working days prior to performing the test of the planned test date, test time, and if applicable, the testing consultant being used.

(c) If the test is being performed pursuant to (a)(1) or (a)(2)c., above, the owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(d) Within 30 days of the completion of each test performed, the owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing of the specific test results, and if a test failed, the specific actions to be taken to correct the problem and the next planned test time and date.

(e) The owner or operator of a gasoline dispensing facility that does not meet all of the criteria for a successful stage I system test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (f), below, retest the stage I system within 30 days of the failed test.

(f) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage I system that failed the original test.

Env-Or 504.08 Required Stage I System Test Components. The owner or operator of a gasoline dispensing facility shall ensure that stage I system test procedures consist of the following:

(a) A PV vent cap test for pressure and vacuum as specified in Env-Or 504.09;

(b) A pressure decay test as specified in Env-Or 504.10; and

(c) A submerged fill tube measurement to ensure and document that the requirements of Env-Or 503.01(b) are met.

Env-Or 504.09 PV Vent Cap Test Procedures, Criteria, and Required Actions.

(a) The PV vent cap test for pressure and vacuum required by Env-Or 504.08(a) shall be conducted in accordance with California Air Resources Board (CARB) Vapor Recovery Test Procedure (TP) 201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, dated October 8, 2003.

(b) To pass the pressure and vacuum tests specified in (a), above, the:

(1) Pressure relief point shall occur between 2.5 to 6.0 inches water column pressure;

(2) The vacuum relief point shall occur between 6.0 to 10.0 inches water column pressure; and

(3) The total leak rate of all PV vent caps at the facility shall not exceed 0.17 cubic feet per hour at a pressure of 2.0 inches water column and 0.63 cubic feet per hour at a vacuum of 4.0 inches water column.

(c) If the PV vent cap fails either the pressure test or the vacuum test as specified in (a) and (b), above, the owner or operator shall replace the PV vent cap with a PV vent cap as specified in Env-Or 504.02(b) that passes the test requirements of (b), above.

Env-Or 504.10 Pressure Decay Test Procedures, Criteria, and Required Actions.

(a) The pressure decay test required by Env-Or 504.08(b) shall be performed:

(1) Following the PV vent cap test specified in Env-Or 504.09; and

(2) In accordance with CARB TP-201.3***A***, as amended ~~March 17, 1999~~ ***April 12, 1996***, except that the test shall be performed at 10 inches water column pressure.

(b) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in table 500-1, below:

Table 500-1 Minimum Allowable Pressure

Ullage (gallons)	Minimum Allowable Pressure (inches water column)	Ullage (gallons)	Minimum Allowable Pressure (inches water column)
500	3.70	5,000	9.30
600	4.50	6,000	9.38
700	5.20	7,000	9.46
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,500	7.50	12,000	9.64
1,750	7.90	13,000	9.66
2,000	8.20	14,000	9.68
2,250	8.35	15,000	9.70
2,500	8.50	16,000	9.71
2,750	8.60	17,000	9.71
3,000	8.70	18,000	9.72
3,250	8.80	19,000	9.73
3,500	8.90	20,000	9.73
3,750	9.00	21,000	9.74
4,000	9.10	22,000	9.75
4,250	9.15	23,000	9.75
4,500	9.20	24,000	9.76
4,750	9.25	25,000	9.77

(c) If the stage I system does not pass the pressure decay test, the owner or operator shall undertake such repairs as are necessary and retest until the stage I system passes the test.

Env-Or 504.11 Compliance Schedule for Stage I Systems.

(a) If the throughput of a gasoline dispensing facility that had not previously met the criteria of Env-Or 501.02(b) becomes equal to or greater than 10,000 gallons of gasoline per rolling 30-day period, the

owner or operator shall comply with all applicable requirements of this chapter within 180 days after the date the facility becomes subject to this part.

(b) The owner or operator of a gasoline dispensing facility that begins operation after the effective date of this chapter and that meets the criteria of Env-Or 501.02(b) shall comply with all applicable requirements of this chapter upon commencement of operation.

(c) The owner or operator of a gasoline dispensing facility that already is subject to stage I requirements and that undergoes significant modifications to any tank or piping shall comply with all applicable requirements of this chapter as to the complete stage I system, including all modified components, upon completion of the modifications.

(d) If the monthly throughput of a gasoline dispensing facility is 100,000 gallons of gasoline per month or more as of the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the ***2012*** effective date of this chapter.

(e) If the monthly throughput of a gasoline dispensing facility increases to 100,000 gallons of gasoline per month or more subsequent to the ***2012*** effective date of this chapter, ***then:***

(1) T~~t~~he owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the throughput becoming equal to or greater than 100,000 gallons of gasoline per month***; and***

(2) The facility shall continue to be subject to Env-Or 504.07(a)(1) even if a reduction in throughput occurs to below the specified threshold.

Insert a heading for Env-Or 505 as follows:
PART Env-Or 505 STAGE II REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Readopt with amendment Env-Wm 1404.17, eff. 8-21-04 (doc. #8141), as amended eff. 11-29-11 (doc. #10036), and renumber as Env-Or 505.01 through Env-Or 505.03, to read as follows:

Env-Or 505.01 Applicability of Stage II Requirements.

(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility shall comply with this part in addition to Env-Or 503, Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509 if the facility:

(1) Meets the criteria specified in Env-Or 501.02(b) for a stage I system;

(2) Is located in Hillsborough, Merrimack, Rockingham, or Strafford county;

(3) Does not qualify for an exemption pursuant to Env-Or 505.02; and

(4) Meets one of the following criteria:

a. The facility has a throughput equal to or greater than 35,000 gallons per rolling 30-day period; or

b. The facility was constructed after November 15, 1990, regardless of the amount of throughput.

(b) Once a facility meets the applicability criteria in (a), above, the owner or operator shall continue to be subject to the stage II requirements even if a reduction in throughput occurs to below the threshold specified in (a)(4)a., above.

Env-Or 505.02 Exemptions from Stage II Requirements.

(a) Any gasoline dispensing facility that services only motorized water vessels, airplanes, or agricultural equipment shall be exempt from this part.

(b) The owner or operator of a gasoline dispensing facility that meets the criteria specified in Env-Or 505.01(a)***(1), (2), and (4)*** shall be exempt from the requirements to install and to operate stage II equipment provided that:

(1) Facility construction commences on or after January 1, 2012;

(2) Facility construction commenced prior to January 1, 2012 but stage II equipment had not been installed prior to January 1, 2012; or

(3) The owner or operator decommissions the stage II equipment in accordance with Env-Or 505.03.

Env-Or 505.03 Decommissioning Stage II Systems.

(a) Subject to (d), below, the owner or operator of a gasoline dispensing facility equipped with stage II equipment shall decommission the stage II equipment by December 22, 2015 in accordance with this section.

(b) To qualify for an exemption under Env-Or 505.02(b)(3) or to comply with (a), above, the owner or operator shall do the following in the order listed:

(1) Submit a completed notification form as described in Env-Or 506.02 to notify the department of the intent to decommission the stage II equipment;

(2) Conduct a pressure decay test on the stage II vapor return piping as specified in ***Env-Or 505.11 and*** Env-Or 505.12 within 30 days prior to the scheduled decommissioning of the stage II equipment;

(3) Decommission the stage II system in accordance with all of the steps listed in the Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-***09***, Section 14, Decommissioning Stage II Vapor Recovery Piping***, 2009 edition***; and

(4) If the stage II vapor return piping did not pass the pressure decay test even after retesting in accordance with Env-Or 505.10(b), permanently close the stage II vapor return piping as specified in Env-Wm 1401.18(g)(2) or successor rule in subtitle Env-Or.

(c) Any owner or operator who decommissions stage II vapor recovery equipment shall continue to comply with the pressure decay and PV vent cap pressure and vacuum testing requirements of ***Env-Or 505.10 through*** Env-Or 505.12 for all equipment that remains in place, including any stage II vapor return piping that remains connected at the tank.

(d) The requirement to decommission a stage II vapor recovery system shall not apply to political subdivisions. If a political subdivision that owns a stage II system chooses to decommission the equipment, such decommissioning shall comply with (b), above.

Readopt with amendment Env-Wm 1404.18 through Env-Wm 1404.37, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 505.04 through Env-Or 509.01, to read as follows:

Env-Or 505.04 Stage II Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that meets the criteria of Env-Or 505.01(a) shall:

(1) Install and maintain a stage II system that is a certified vapor recovery system; and

(2) Use a 2-point system at each assist system facility.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the ***2012*** effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.18(b) in effect immediately prior to the ***2012*** effective date of this chapter, as reprinted in Appendix ~~E~~ ***D***, the owner or operator may continue to use the PV vent cap until the earlier of***:***

(1) ***Three*** ~~3~~ years from the ***2012*** effective date of this chapter***;*** ~~or:~~

(***2***~~1~~) The cap is required to be replaced pursuant to Env-Or 505.08(c)(1); or

(***3***~~2~~) Stage II testing is required pursuant to one of the conditions of Env-Or 505.10(a).

(d) The owner or operator of any stage II equipment that is subject to a dynamic back pressure test as specified in Env-Or 504.12 shall permanently install, at each dispenser, a test tee fitting that is:

(1) Equipped with a plug securely threaded into the branch connection; and

(2) Accessible to allow for testing of the vapor return piping.

Env-Or 505.05 Stage II Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall operate the stage II system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(b) No owner or operator of a gasoline dispensing facility that is subject to this part shall transfer or allow the transfer of gasoline from a gasoline storage tank at the facility into a motor vehicle fuel tank unless the facility is operating with a stage II system that is a certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any vapors captured by a stage II vapor recovery system to the atmosphere.

(d) The owner or operator of a gasoline dispensing facility using a stage II system shall post in a conspicuous location in the gasoline dispensing area:

(1) A warning that topping off is prohibited because it could result in spillage or return of gasoline into the gasoline storage tank; and

(2) The department telephone number for reporting difficulties with stage II equipment and equipment malfunctions.

Env-Or 505.06 Required Stage II System Inspection and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) For balance systems, conduct daily inspections of each gasoline dispenser nozzle as specified in Env-Or 505.07;

(b) Conduct monthly maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.08;

(c) Conduct annual maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.09;

(d) Maintain stage II equipment as specified by the manufacturer or by the applicable reference standard specified in Env-Or 509; and

(e) With the exception of PV vent caps, maintain stage II equipment to be leak free and vapor tight.

Env-Or 505.07 Stage II Balance System Daily Nozzle Inspection Requirements.

(a) The owner or operator shall perform the daily inspection required by Env-Or 505.06(a) for a balance system on each nozzle once per day of facility operation as follows:

(1) Remove the nozzle from its dispenser holder;

(2) Extend the hose to create a straight section of sloping hose section between the high point of the hose and the nozzle;

(3) With the nozzle pointed into a container approved for gasoline storage, pull back the nozzle bellows to open the nozzle vapor valve; and

(4) Drain any residual liquid gasoline out of the vapor portion of the nozzle and hose into the gasoline storage container.

(b) The owner or operator performing the test shall mark the gasoline dispenser nozzle as "Out of Order" with a tag or a bag if the nozzle is not operating as specified in the applicable reference standard in Env-Or 509.

(c) No person shall use or allow the use of equipment marked "Out of Order" until it has been repaired, replaced, or adjusted, as necessary, and retested to ensure it is working properly.

Env-Or 505.08 Stage II Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 505.06(b) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document the monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Complete all items required for stage I specified in Env-Or 504.05(c);

(2) For a balance system:

a. Check each hose in and around each dispenser for tears, leaks, holes, or defects of any kind and replace any hoses containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter;

b. Check each nozzle bellow for tears, leaks, holes, or defects of any kind and replace any bellows containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter; and

c. Check each nozzle bellow's faceplate for continuity with a minimum of 75% of the bellows faceplate sealed against the vehicle fill pipe during fueling operation and replace any bellows faceplate not meeting that criterion; and

(3) For an assist system:

a. Check each hose for kinks or crimps and replace all defective sections;

b. Check each nozzle spout for looseness and tighten or replace as necessary;

c. Check each vapor return hole on the nozzle spout for blockage or obstruction and replace the nozzle or spout if the number of unobstructed holes does not meet the requirements for a specific stage II system; and

d. If a splash or vapor guard is required, check each splash or vapor guard for integrity and replace if the guard is missing or damaged.

Env-Or 505.09 Stage II System Annual Maintenance Inspection.

(a) Subject to (d), below, the owner or operator shall perform the annual maintenance inspection required by Env-Or 505.06(c) as specified in Env-Or 504.06.

(b) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each annual maintenance inspection, the owner or operator shall perform all inspections and maintenance specified in Env-Or 505.07, if applicable, and Env-Or 504.06(c).

(d) An annual maintenance inspection shall not be required for any calendar year in which the stage II system successfully passes a pressure decay test performed as specified in Env-Or 504.12 prior to the due date of the annual inspection as specified in (a), above.

Env-Or 505.10 Required Stage II System Testing.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage II system testing as specified in Env-Or 505.11 and Env-Or 505.12 at least once every 3 years and at the following times:

(1) No later than 15 days after completion of installation of a new stage II system;

(2) No later than 15 days after completion of any significant modification to an existing stage II system;

(3) No later than 15 days after completion of any backfill, pavement, or concrete work around stage II equipment;

(4) Within 90 days prior to the expiration date of any stage II permit issued as provided in Env-Or 505.13; and

(5) No later than 30 days following an inspection that identifies deficiencies in the certified stage II vapor recovery system at the facility.

(b) The owner or operator of a facility that does not meet all of the criteria for a successful test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (c), below, retest the stage II system within 30 days of the failed test.

(c) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage II system that failed the original test.

Env-Or 505.11 Stage II System Testing: Scheduling and Notification Requirements.

(a) The owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(b) Prior to initiating a test, the owner or operator shall notify the department in writing of the planned test date, test time, and testing consultant being used, if applicable.

(c) The owner or operator shall send the notice required by (b), above, by letter, fax, or e-mail, so long as the notice is received by the department at least 7 working days in advance of the test date.

(d) Within 30 days of the completion of the test, the owner or operator shall notify the department in writing by fax, letter, or e-mail of the specific test results and data collected during the testing.

(e) The owner or operator shall report any test failure to the department in writing within 24 hours, unless the cause is immediately determined and corrected and the failure did not result in a release of vapors to the environment.

Env-Or 505.12 Stage II System Testing Procedures.

(a) In this section:

(1) "TP 201.3***A***" means CARB TP 201.3***A*** Pressure Decay dated ~~March 17, 1999~~ ***April 12, 1996***, except that the test shall be performed at 10 inches water column;

(2) "TP 201.4" means CARB TP 201.4 Dynamic Back pressure dated July 3, 2002; and

(3) "TP 201.5" means CARB TP 201.5 Air to Liquid Ratio (A/L) dated February 1, 2001.

(b) Testing shall be conducted at a facility only if all volumetric liquid gasoline measuring devices at each dispenser have been calibrated in accordance with the requirements of the bureau of weights and measures of the New Hampshire department of agriculture, markets, and food.

(c) The owner or operator shall perform the following specified tests:

(1) For a balance system:

a. The pressure decay test performed in accordance with TP 201.3***A***; and

b. The dynamic back pressure test performed in accordance with TP 201.4 on each nozzle;

(2) For ***a*** bootless nozzle system~~s~~:

a. The pressure decay test performed in accordance with TP 201.3***A***;

b. The dynamic back pressure test performed in accordance with TP 201.4 test tee fitting location as described in Env-Or 505.04(c); and

c. The A/L test performed in accordance with TP 201.5;

(3) For Healy Model 400 ORVR compatible booted nozzle system using a central vacuum unit:

a. The pressure decay test performed in accordance with CARB executive order G-70-186 or G-70-187;

b. The Healy vacuum integrity test; and

c. The Healy fillneck vapor pressure regulation fueling test;

(4) For Healy Model 600 bootless or booted nozzle system and Healy Model 800 booted nozzle system with the Healy/Franklin VP 1000 vapor pump or equivalent:

a. The pressure decay test performed in accordance with CARB executive order G-70-191;

b. The dynamic back pressure test in accordance with TP 201.4 at the test tee fitting location described in Env-Or 505.04(c); and

c. The A/L test with a Healy A/L adaptor for booted nozzles performed in accordance with TP 201.5; and

(5) For Healy Model 600 bootless system using a central vacuum unit:

a The pressure decay test performed in accordance with CARB executive order G-70-165;

b. The Healy vacuum integrity test; and

c. The A/L test performed in accordance with TP 201.5.

(d) For any pressure decay test performed in accordance with TP 201.3***A***, the owner or operator shall ensure, and the individual conducting the pressure decay test shall verify, that there are no product deliveries into or out of any gasoline storage tank within the 3 hours prior to the test or during the performance of the test.

(e) All A/L test equipment shall be calibrated once every 12 months as specified by the manufacturer.

(f) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in Env-Or 504.10(b), table 500-1.

(g) The owner or operator shall verify that PV vent cap pressure and vacuum tests are performed as specified in Env-Or 504.09.

Env-Or 505.13 Permit to Operate.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part and to RSA 146-C shall have a valid permit to operate in accordance with RSA 146-C and Env-Wm 1401 or successor rules in subtitle Env-Or.

(b) As part of the application for the permit to operate, the owner or operator of the stage II facility shall submit to the department the following:

(1) A completed stage II vapor recovery notification form; and

(2) The results of all required stage II tests in accordance with Env-Or 505.11(d).

(c) The permit to operate shall be prominently displayed in an area where it can be observed in the normal course of an inspection of the facility.

Env-Or 505.14 Compliance Schedule for Stage II Systems.

(a) The owner or operator of a gasoline dispensing facility that becomes subject to this part after the effective date of this part shall comply with the requirements of this part within one year after the date the facility becomes subject to stage II requirements.

(b) The owner or operator of a facility that meets the stage II applicability criteria specified in Env-Or 505.01 as of the date it initiates operations shall be in compliance with the requirements of this part prior to commencing operation.

PART Env-Or 506 NOTIFICATION AND RECORDKEEPING FOR GASOLINE DISPENSING FACILITIES

Env-Or 506.01 Required Throughput Reporting.

(a) The owner or operator of a gasoline dispensing facility that is subject to Env-Or 504 shall report throughput information in writing to the department within 30 days of the throughput equaling or exceeding 100,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

Env-Or 506.02 Notification Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements shall submit a "Vapor Recovery Notification Form" (VRN form) as described in Env-Or 506.03 to the department as follows:

(1) At least 30 days prior to any construction, installation, or significant modification that affects a stage I system or a stage II system, or both;

(2) Prior to scheduling a stage II test pursuant to Env-Or 505.11 or decommissioning a stage II system as specified in Env-Or 505.03(b)(1);

(3) At least 10 days prior to a change in use of a storage tank from gasoline to non-gasoline or non-gasoline to gasoline; and

(4) Within 10 days after a change of any of the items specified in Env-Or 506.03.

(b) If ownership of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements is transferred, the new owner shall submit a completed VRN form to the department within 10 days of the transfer.

(c) The owner or operator shall sign and date the VRN form.

(d) The signature of the owner or operator shall constitute:

(1) Certification that the information on the VRN form is true and correct to the best of the individual's knowledge and belief; and

(2) Acknowledgement that the individual is subject to the penalties specified in RSA 641:3 for making unsworn false statements.

(e) The department shall, within 30 days of receipt of the VRN form, inform the individual who submitted the VRN form of any deficiencies in the notification.

(f) If the department is not able to determine the effectiveness or design of the equipment or system being constructed, installed, or significantly modified, the department shall request additional information in order to make such determination.

Env-Or 506.03 Vapor Recovery Notification Form. The Vapor Recovery Notification Form (VRN form) ***required to be submitted by Env-Or 506.02*** shall require the following information:

(a) The name, physical address, mailing address, main telephone number, main fax number, and site number of the gasoline distribution facility;

(b) The name, mailing address, daytime telephone number, fax number, and email address of each owner of the gasoline distribution facility;

(c) The name, mailing address, daytime telephone number, fax number, and email address of the individual who is responsible for:

(1) The stage I system at the gasoline distribution facility; and

(2) If applicable, the stage II system at the gasoline distribution facility;

(d) A description of all stage I equipment at the gasoline distribution facility, including but not limited to the 2-point or coaxial stage I system and, if there is a 2-point system, a statement as to whether the dry break adaptor is located on the manifold or on the tank;

(e) For stage II gasoline distribution facilities:

(1) A description of all stage II equipment, including but not limited to, the type of system and the type of vapor assist; and

(2) Gasoline dispenser information, including but not limited to the number of dispensers and number of nozzles at each dispenser;

(f) The number of gasoline storage tanks at the gasoline distribution facility and for each tank, the size of the tank and the grade of gasoline contained in the tank;

(g) The date when construction, installation, or significant modification of any stage I or stage II equipment at the gasoline distribution facility occurred.

Env-Or 506.04 Recordkeeping Requirements for Gasoline Dispensing Facilities. The owner or operator of a gasoline dispensing facility that is subject to this chapter shall:

(a) Maintain the following records ~~on-site~~ ***such that they are available during a department or EPA inspection***:

(1) A copy of this chapter;

(2) The records of each monthly maintenance inspection conducted over the prior 3 years as required by Env-Or 504.05 or Env-Or 505.08, as applicable;

(3) The records of each annual maintenance inspection conducted over the prior 3 years as required by Env-Or 504.06 or Env-Or 505.09, as applicable;

(4) A description of all repair work completed as a result of any of the inspections included in (2) or (3), above; ~~and~~

(5) All other information regarding equipment failures, repairs, and maintenance over the prior 3 years that is not included in (4), above; and

(6) A copy of the manual entitled, "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual";

(b) Provide the following records ***upon request of*** ~~to~~ the department ***or EPA*** ~~upon request~~:

(1) All records of installation of stage I equipment and, if applicable, of stage II equipment;

(2) Bulk liquid receipts;

(3) A copy of each VRN form as described in Env-Or 506.03 completed for the facility; and

(4) For stage II systems:

a. A copy of the facility's current permit to operate, as required by Env-Or 505.13; and

b. Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable; and

(c) Retain the records identified in (a) and (b), above, as specified in table 500-2, below:

Table 500-2: Required Record Retention Periods

Record Required by Env-Or 506.04	Description of Record	Required Retention Period
(a)(1)	The vapor recovery rules, Env-Or 500	Duration of the operating life of the facility
(a)(6)	The "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual"	
(b)(2)	Bulk liquid receipts	Until such time as the equipment is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(2)	A record of each monthly maintenance inspection as specified in Env-Or 504.05 or Env-Or 505.08, as applicable	3 years from date of receipt or completion, as applicable, provided that if the owner or operator has been notified of a pending inquiry into the integrity of the gasoline storage tank(s) at the facility, then until such time as the stage I or stage II equipment, as applicable, is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(3)	A record of each annual maintenance inspection as specified in Env-Or 504.06 or Env-Or 505.09, as applicable	
(a)(4)	A description of all repair work completed as a result of any of the inspections included in (a)(2) or (a)(3)	
(a)(5)	All other information that is relevant to equipment failures, repairs, and maintenance that is not included in (a)(4)	
(b)(1)	All records of installation of stage I equipment and, if applicable, of stage II	

Record Required by Env-Or 506.04	Description of Record	Required Retention Period
	equipment	
(b)(4)b.	For stage II systems: Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable	
(b)(3)	A copy of each Vapor Recovery Notification Form as described in Env-Or 506.03 completed for the facility	
(b)(4)a.	For stage II systems: A copy of the facility's current permit to operate, as required by Env-Or 505.13	Until a new or renewed permit to operate is received

PART Env-Or 507 STAGE I REQUIREMENTS FOR CARGO TRUCKS

Env-Or 507.01 Required Equipment for Cargo Trucks.

(a) The owner or operator of a cargo truck that meets the criteria specified in Env-Or 501.02(d) shall install and maintain a stage I system to serve the cargo truck that is a certified vapor recovery system.

(b) All hoses and stage I equipment on the cargo truck shall be specifically manufactured for use in transferring gasoline or otherwise certified by the manufacturer as compatible with gasoline.

(c) The cargo truck shall be connected during gasoline delivery to a gasoline storage tank using:

(1) For a coaxial system, a separate coaxial coupling with one vapor return hose used for every fill hose in service;

(2) For a 2-point system where the tanks are connected with a manifold, a minimum of one vapor return hose used for every 2 fill hoses in service; and

(3) For a 2-point system where the tanks are not connected with a manifold, a separate vapor recovery connection at each tank being filled.

Env-Or 507.02 Maintenance Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall maintain stage I equipment as specified by the manufacturer and so as to be leak-free and vapor tight.

Env-Or 507.03 Operational Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall operate the stage I system to recover at least 95% of all gasoline vapors released from the gasoline tank to which the fuel is being delivered during unloading operations at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher. This standard shall apply to each cargo truck during each applicable gasoline delivery.

(b) During loading of gasoline at a bulk gasoline loading terminal and during loading or unloading of gasoline at a bulk gasoline plant, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed:

(1) A pressure setting of 18.0 inches water column pressure; and

(2) A vacuum setting of 5.9 inches water column vacuum.

(c) During unloading of gasoline at a gasoline dispensing facility, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed a vacuum setting of 5.9 inches water column vacuum.

(d) If a cargo truck does not meet the requirements specified in (b) or (c), above, as applicable, the owner or operator of the cargo truck shall repair and retest the truck within 15 days.

(e) The owner or operator of a cargo truck shall securely fasten all hatches on the truck except when access is needed to take a measurement of gasoline level or perform maintenance activities.

(f) No person shall unload gasoline from any cargo truck to any gasoline storage tank at any gasoline dispensing facility that is subject to Env-Or 504 unless the owner or operator of the facility has installed and is maintaining as operational a certified stage I vapor recovery system.

(g) No person shall deliberately, recklessly, or negligently vent any vapors captured by the stage I system serving a cargo truck to the atmosphere.

(h) No person shall deliberately, recklessly, or negligently mishandle gasoline being loaded to or unloaded from a cargo truck such that the gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding into a sewer or storm drain, or storing in an open container.

Env-Or 507.04 Testing Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall:

(a) Conduct an annual certification test in accordance with 40 CFR §63.425(e); and

(b) If the cargo truck does not meet the applicable parameters specified in 40 CFR §63.425(e), undertake such repairs as are necessary and retest.

Env-Or 507.05 Monitoring for Cargo Trucks. The department shall inspect a cargo truck to determine whether the truck is leak tight and vapor tight either:

(a) Upon receipt of information that supports a reasonable conclusion that the truck might not be leak tight and vapor tight, including visual and olfactory information; or

(b) Pursuant to a routine inspection.

Env-Or 507.06 Treatment of Vapor Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall dispose of the vapors at a bulk terminal equipped with a certified stage I vapor recovery system, using the vapor collection system and vapor destruction methods described in Env-A 1217.06(c).

Env-Or 507.07 Recordkeeping Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall maintain in the cargo truck at all times the following:

(1) Documentation that the cargo truck has met the requirements of Env-Or 507.04;

(2) Test results for both the pressure and vacuum tests required by Env-Or 507.04; and

(3) Proof of compliance and the date of all tests conducted in accordance with the stage I testing requirements for cargo trucks as stated in this part, which shall be displayed on the cargo truck.

(b) The driver of a cargo truck that is subject to this part shall provide the documents listed in (a), above, ***upon request of*** ~~to~~ the department ***or EPA*** for inspection and copying ~~upon request~~.

PART Env-Or 508 WAIVERS

Env-Or 508.01 Applicability. An owner or operator who wishes to obtain a waiver from any rule in this chapter shall request the waiver as specified in Env-Or 508.02.

Env-Or 508.02 Waiver Requests.

(a) Each request for a waiver shall be filed in writing by the owner or operator who is seeking the waiver.

(b) The person requesting the waiver shall provide the following information to the department:

(1) The name, mailing address, and daytime telephone number of the requestor and, if available, a fax number and e-mail address of the requestor;

(2) As applicable, the name, physical address, and site number of the facility to which the waiver request relates, or the registration number of the cargo truck to which the waiver would apply;

(3) The specific rule section or paragraph for which a waiver is being requested;

(4) A full explanation of why a waiver is being requested, including an explanation of the consequences of complying with the rule as written; ~~and~~

(5) Whether the need for the waiver is temporary, and if so, the estimated length of time that the waiver will be needed;

(6) If applicable, a full explanation of the alternative that is proposed to be substituted for the requirement in the rule, including written documentation or data, or both, to support the alternative; and

(7) A full explanation of why the ~~applicant~~ ***requestor*** believes that having the waiver granted will meet the criteria in Env-Or 508.03.

(c) The requestor shall sign and date the request.

(d) The signature shall constitute certification that:

(1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and

(2) The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.

(e) The department shall transmit a copy of each waiver request filed in compliance with (a) through (c), above, to EPA within 5 working days of its receipt.

Env-Or 508.03 Waiver Criteria.

(a) Subject to (b) and (c), below, the department shall grant a waiver if:

(1) Granting a waiver will not result in an adverse impact on the environment, public health, or public safety that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

a. Granting a waiver is consistent with the intent and purpose of the rule being waived; or

b. Strict compliance with the rule will provide no benefit to the public or the environment.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify any state statute, unless a waiver is expressly allowed by the statute that would be waived.

(c) No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted.

Env-Or 508.04 Decision on Waiver Requests; Conditions.

(a) The department shall notify the requestor of the decision in writing within 60 days of receipt of a request that meets the requirements of Env-Or 508.02.

(b) If the request is denied, the department shall identify the specific reason(s) for the denial.

(c) The department shall include such conditions in a waiver as are necessary to ensure that the criteria of Env-Or 508.03 will be met.

(d) If the need for a waiver is temporary, the waiver shall specify the date on which it will expire.

PART Env-Or 509 REFERENCE STANDARDS

Env-Or 509.01 Reference Standards. A vapor recovery system for an underground or aboveground gasoline storage tank or cargo truck shall be designed, installed, tested, and certified for use in accordance with one or more of the applicable reference standards listed below:

(a) PEI/RP 300-***09***, "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites", Petroleum Equipment Institute, 2009 edition; and

(b) The CARB executive orders, approval letters, and test methods set forth in table 500-~~2~~-***3***, below:

Table 500-~~2~~-***3***: CARB Reference Standards

CARB ID	Description	Date
G – 70 – 2 – G	Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 4 – A	Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/23/77
G – 70 – 5	Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05/06/93
G – 70 – 6	Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04/26/77

CARB ID	Description	Date
G – 70 – 7 – AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03/22/93
G – 70 – 8	Modification of the Certification of the Chevron Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	07/13/77
G – 70 – 9 – A	Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tanks Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G – 70 – 10 – A	Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G – 70 – 14 – AA	Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02/28/83
G – 70 – 17 – AD	Modification of the Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05/06/93
G – 70 – 18 – C	Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System	08/28/79
G – 70 – 20	Modification of the Certification of the Texaco Stage I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/21/78
G – 70 – 23 – AC	Recertification of the Exxon Balance Phase II Vapor Recovery System	04/29/96
G – 70 – 25 – AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 33 – AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03/09/84
G – 70 – 34 – A	Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adaptor for Military Delivery Tanks to Include the Parker Hannifin F428A	08/13/79
G – 70 – 36 – AD	Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/18/92
G – 70 – 37 – B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01/22/80
G – 70 – 38 – AB	Recertification of the Texaco Balance Phase II Vapor Recovery System	12/19/90
G – 70 – 47 – B	Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 48 – AA	Recertification of the Mobile Oil Balance Phase II Vapor Recovery System	020/8/83
G – 70 – 49 – AA	Recertification of the Union Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 50	Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12/05/79
G – 70 – 52 – AM	Certification of the Components for Red Jacket, Hirt, and Bala2nce Phase II Vapor Recovery System	11/19/09
G – 70 – 53 – AA	Recertification of the Chevron Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 70 – AC	Certification of the Healy Phase II Vapor Recovery System for Service Stations	06/23/92
G – 70 – 77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/15/82

CARB ID	Description	Date
G – 70 – 78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components	05/20/83
G – 70 – 97 – A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/09/85
G – 70 – 101 – B	Recertification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11/15/85
G – 70 – 102 – A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05/25/93
G – 70 – 106	Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01/27/86
G – 70 – 107	Certification of the rainbow Petroleum Products Model RA3003, RA3005, RA3006, and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05/15/86
G – 70 – 110	Certification of the Stage I and Stage II Vapor Recovery Systems for Methanol Fueling Facilities	01/20/87
G – 70 – 116 – F	ConVault Aboveground Tank Vapor Recovery System	11/30/95
G – 70 – 118 – AB	Certification of the Amoco V-1 Vapor Recovery System	03/31/95
G – 70 – 125 – AA	Modification of the Certification of the Husky Model V Phase II Vapor Recovery Nozzle	03/16/93
G – 70 – 127	Certification of the OPW Model 111-V Phase II Vapor Recovery Nozzle	08/16/90
G – 70 – 128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System	08/27/90
G – 70 – 130 – A	Petrovault Aboveground Tank Vapor Recovery System	02/26/93
G – 70 – 131 – A	Tank Vault Aboveground Tank Vapor Recovery System	03/17/92
G – 70 – 132 – A	Supervault Aboveground Tank Vapor Recovery System	10/16/90
G – 70 – 132 – B	Supervault Aboveground Tank Vapor Recovery System	05/16/95
G – 70 – 134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery Nozzle	12/21/90
G – 70 – 136	FireSafe Aboveground Tank Vapor Recovery System	04/15/91
G – 70 – 137	FuelSafe Aboveground Tank Vapor Recovery System	10/4/91
G – 70 – 139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03/17/92
G – 70 – 140 – A	Integral Phase I and II Aboveground Configurations with the Healy Phase II Vapor Recovery System	07/1/92
G – 70 – 142 – B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09/09/94
G – 70 – 143	P/T Vault Aboveground Tank Vapor Recovery System	08/07/92
G – 70 – 147 – A	Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07/11/96
G – 70 – 148 – A	Lube Cube Aboveground Tank Vapor Recovery System	05/04/95

CARB ID	Description	Date
G – 70 – 150 – AE	Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07/12/00
G – 70 – 152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System	10/31/93
G – 70 – 153 – AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04/30/00
G – 70 – 154 – AA	Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06/10/97
G – 70 – 155	Petroleum Marketing Aboveground Tank Vapor Recovery System	03/12/94
G – 70 – 156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System	05/23/94
G – 70 – 157	Ecovault Aboveground Tank Balance Vapor Recovery System	05/23/94
G – 70 – 158 – A	Firesafe Aboveground Tank Vapor Recovery System	05/24/95
G – 70 – 159 – AB	Modification to the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System	07/17/95
G – 70 – 160	Above Ground Tank Vault Vapor Recovery System	11/09/94
G – 70 – 161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System	11/30/94
G – 70 – 162 – A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System	02/15/95
G – 70 – 163 – AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System	09/04/96
G – 70 – 164 – AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12/10/96
G – 70 – 165	Healy Vacuum Assist Phase II Vapor Recovery System	04/20/95
G – 70 – 167	EnviroVault Aboveground Tank Vapor Recovery System	01/09/96
G – 70 – 168	Bryant Fuel Systems Phase I Vapor Recovery System	10/15/95
G – 70 – 169 – AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08/11/97
G – 70 – 170	Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02/22/96
G – 70 – 175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04/18/96
G – 70 – 177 – AA	Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	06/22/00
G – 70 – 179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System	07/02/97
G – 70 – 180	Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04/17/97
G – 70 – 183 – AA	Language Correction in Existing Executive Order G-70-183 (Healy/Franklin System)	06/29/01
G – 70 – 186	Certification of the Healy Model 400 ORVR Vapor Recovery System	10/26/98
G – 70 – 187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09/13/99
G – 70 – 188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05/18/99

CARB ID	Description	Date
G – 70 – 190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System	10/08/99
G – 70 – 191	***Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-1000 Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)***	***08/08/99***
G – 70 – 191 – AA	Language Correction in Existing Executive Order G-70-191 (Healy Model 600 ORVR/800)	09/28/06
G – 70 – 192	Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	11/24/99
G – 70 – 193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	11/07/07
G – 70 – 194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System	05/11/00
G – 70 – 195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System	03/31/00
G – 70 – 196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12/30/00
G – 70 – 197	Synchrotek Fastflo 3 Phase II Vapor Recovery System	06/25/01
G – 70 – 198	Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06/04/01
G – 70 – 199 – AH	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01/23/02
G – 70 – 200	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04/22/02
G – 70 – 201	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04/22/02
G – 70 – 202	Oldcastle Aboveground Below – Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04/22/02
Approval Letter #07-08	Catlow Model CTMVA Cam Twist Breakaway	11/07/07
VR – 101 – B	Phil-Tite Phase I Enhanced Vapor Recovery System with Ball Float Overfill Prevention	07/12/02
VR – 102 – A	OPW Phase I Vapor Recovery System	10/10/02
VR-203-A	Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)	11/05/07
Approval Letter #09-02	Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems	06/01/09
TP-201.1E	Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10/08/03
CP-201	Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities	02/09/05
TP-201.3A	***Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities***	***04/12/96***
TP-201.4	***Dynamic Back Pressure***	***07/03/02***

CARB ID	Description	Date
TP-201.5	***Air to Liquid Volume Ratio***	***02/01/01***

Appendix A: Incorporation by Reference Information

Rule Section	Title	Dated	Obtain at:
Env-Or 504.09(a) ***and Env-Or 509.01(b)***	CARB TP 201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10-03-2008	***http://www.arb.ca.gov/testmeth/vol2/tp201.1e_Oct2003.pdf - no cost***
Env-Or 504.10(a); Env-Or 505.12***(c) and Env-Or 509.01(b)***	CARB TP 201.3***A*** ***Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*** ~~Pressure Decay~~	***04-12-96***	***http://www.arb.ca.gov/testmeth/vol2/tp201.3a_Apr1996.pdf - no cost***
Env-Or 505.03(b) ***and Env-Or 509.01(a)***	Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-***09***, Section 14, Decommissioning Stage II Vapor Recovery Piping	2009	***http://pei.org/PublicationsResources/RecommendedPracticesExams/RP300/tabid/101/Default.aspx - purchase for $95.00.***
Env-Or 505.12***(c) and Env-Or 509.01(b)***	CARB TP-201.4 Dynamic Back Pressure	07-03-2002	***http://www.arb.ca.gov/testmeth/vol2/tp201.4_070302.pdf - no cost***
Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP-201.5 Air to Liquid ***Volume*** Ratio	02-01-2001	***http://www.arb.ca.gov/testmeth/vol2/tp201_5.pdf - no cost***
Env-Or 505.12(c) and Env-Or 509.01(b)	***G-70-165 Certification of the Healy Vacuum Assist Phase II Vapor Recovery System with the Model 600 Nozzle***	***04-20-1995***	***http://www.arb.ca.gov/vapor/eos/eo-165/g70165.pdf - no cost***
Env-Or 505.12(c) and Env-Or 509.01(b)	***G-70-186 Certification of the Healy Model 400 ORVR Vapor Recovery System***	***10-26-1998***	***http://www.arb.ca.gov/vapor/eos/eo-186/g70186.pdf - no cost***
Env-Or 505.12(c) and Env-Or 509.01(b)	***G-70-187 Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems***	***09-13-1999***	***http://www.arb.ca.gov/vapor/above/g70187.pdf - no cost***
Env-Or 505.12(c) and Env-Or 509.01(b)	***G-70-191 Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-***	***08-08-1999***	***http://www.arb.ca.gov/vapor/eos/eo-191/eo-191/191.pdf - no cost***

Rule Section	Title	Dated	Obtain at:
	1000 Vapor Pump Phase II Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)		
Env-Or 509.01(b)	***G – 70 – 2 – G Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations***	***09-18-1984***	***http://www.arb.ca.gov/vapor/eos/eo-2/2g.pdf - no cost***
Env-Or 509.01(b)	***G – 70 – 4 – A Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for underground Storage Tanks at Gasoline Service Stations***	***08-23-1977***	***http://www.arb.ca.gov/vapor/eos/eo-4/4a.pdf - no cost***
Env-Or 509.01(b)	***G – 70 – 5 Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations***	***05-06-1993***	***http://www.arb.ca.gov/vapor/eos/g705.pdf - no cost***
Env-Or 509.01(b)	***G – 70 – 6 Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations***	***04-26-1977***	***http://www.arb.ca.gov/vapor/eos/g706.pdf - no cost***
Env-Or 509.01(b)	***G – 70 – 7 – AD Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System***	***03-22-1993***	***http://www.arb.ca.gov/vapor/eos/eo-7/7ad.pdf - no cost***
Env-Or 509.01(b)	***G – 70 – 8 Relating to the Certification of the Chevron Vapor Transfer System for Use on Delivery Tanks***	***07-13-1977***	***http://www.arb.ca.gov/vapor/eos/g708.pdf - no cost***

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G – 70 – 9 – A Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tank Facilities with Throughputs less than 9,000 Gallons per Month*	*11-18-1977*	*http://www.arb.ca.gov/vapor/eos/eo-9/9a.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 10 – A Relating to the Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading*	*11-18-1977*	*http://www.arb.ca.gov/vapor/eos/eo-10/10a.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 14 – AA Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System*	*02-08-1983*	*http://www.arb.ca.gov/vapor/eos/eo-14/14aa.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 17 – AD Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System*	*05-06-1993*	*http://www.arb.ca.gov/vapor/eos/eo-17/g7017ad.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 18 – C Relating to the Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery Systems*	*08-28-1979*	*http://www.arb.ca.gov/vapor/eos/eo-18/18c.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 20 Related to the Certification of the Texaco Phase I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations*	*08-21-1978*	*http://www.arb.ca.gov/vapor/eos/g7020.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 23 – AC Modification to the Certification of the Exxon Balance Phase II Vapor Recovery System*	*04-29-1996*	*http://www.arb.ca.gov/vapor/eos/eo-23/g7023ac.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 25 – AA Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System*	*02-08-1983*	*http://www.arb.ca.gov/vapor/eos/eo-25/g7025aa.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G – 70 – 33 – AB Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System*	*03-09-1984*	*http://www.arb.ca.gov/vapor/eos/eo-33/33ab.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 34 – A Relating to the Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adapter for Military Delivery Tanks To Include The Parker Hannifin F428A*	*08-13-1979*	*http://www.arb.ca.gov/vapor/eos/eo-34/34a.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 36 – AD Modification of Certification of the OPW Balance Phase II Vapor Recovery System*	*09-18-1992*	*http://www.arb.ca.gov/vapor/eos/eo-36/g7036ad.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 37 – B Relating to the Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations*	*01-22-1980*	*http://www.arb.ca.gov/vapor/eos/eo-37/37b.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 38 – AB Relating to Certification of the Texaco Balance Phase II Vapor Recovery System*	*12-19-1990*	*http://www.arb.ca.gov/vapor/eos/eo-38/38ab.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 47 – B Relating to the Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations*	*09-14-1984*	*http://www.arb.ca.gov/vapor/eos/eo-47/47b.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 48 – AA Recertification of the Mobil Oil Balance Phase II Vapor Recovery System*	*02-08-1983*	*http://www.arb.ca.gov/vapor/eos/eo-48/48aa.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 49 – AA Recertification of the Union Balance Phase II Vapor Recovery System*	*02-08-1983*	*http://www.arb.ca.gov/vapor/eos/eo-49/49aa.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 50 Relating to the Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks*	*12-05-1979*	*http://www.arb.ca.gov/vapor/eos/g7050.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G – 70 – 52 – AM Certification of Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery System*	*10-04-1991*	*http://www.arb.ca.gov/vapor/eos/eo-52/g7052am.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 53 – AA Recertification of the Chevron Balance Phase II Vapor Recovery System*	*02-08-1983*	*http://www.arb.ca.gov/vapor/eos/eo-53/53aa.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 70 – AC Modification of Certification of the Healy Phase II Vapor Recovery System for Gasoline Dispensing Facilities*	*06-23-1992*	*http://www.arb.ca.gov/vapor/eos/eo-70/g7070ac.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 77 Relating to the Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System*	*09-15-1982*	*http://www.arb.ca.gov/vapor/eos/g7077.pdf - no cost*
Env-Or 509.01(b)	*G – 70 – 78 Certification of E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Nozzle Components*	*05-20-1983*	*http://www.arb.ca.gov/vapor/eos/g7078.pdf - no cost*
Env-Or 509.01(b)	*G-70-97-A Stage I Vapor Recovery Systems for Underground Gasoline Storage Tanks at Service Stations*	*12-09-1985*	*http://www.arb.ca.gov/vapor/eos/eo-97/97a.pdf - no cost*
Env-Or 509.01(b)	*G-70-101-B Certification of E-Z Flo Model 3006 and Model 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles*	*11-15-1985*	*http://www.arb.ca.gov/vapor/eos/eo-101/101b.pdf - no cost*
Env-Or 509.01(b)	*G-70-102-A Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels*	*05-25-1993*	*http://www.arb.ca.gov/vapor/above/g70102a.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G-70-106 Relating to the Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks*	*01-27-1986*	*http://www.arb.ca.gov/vapor/eos/g70106.pdf - no cost*
Env-Or 509.01(b)	*G-70-107 Certification of Rainbow Petroleum Products Model RA3003, RA3005, RA3006 and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components*	*05-15-1986*	*http://www.arb.ca.gov/vapor/eos/g70107.pdf - no cost*
Env-Or 509.01(b)	*G-70-110 Certification of Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities*	*01-20-1987*	*http://www.arb.ca.gov/vapor/eos/g70110.pdf - no cost*
Env-Or 509.01(b)	*G-70-116-F Certification of ConVault, Inc. Aboveground Filling/Dispensing Vapor Recovery System*	*11-30-1995*	*http://www.arb.ca.gov/vapor/above/g70116f.pdf - no cost*
Env-Or 509.01(b)	*G-70-118-AB Modification to the Certification of the Amoco Oil Company V-1 Bootless Nozzle Vapor Recovery System*	*03-31-1995*	*http://www.arb.ca.gov/vapor/eos/eo-118/eo-118ab/g70118ab.pdf - no cost*
Env-Or 509.01(b)	*G-70-125-AA Modification to the Certification of the Phase II Vapor Recovery Nozzles*	*03-16-1993*	*http://www.arb.ca.gov/vapor/eos/eo-125/125aa.pdf - no cost*
Env-Or 509.01(b)	*G-70-127 Certification of the OPW Model 111-V Phase II Balance Vapor Recovery Nozzle*	*08-16-1990*	*http://www.arb.ca.gov/vapor/eos/g70127.pdf - no cost*
Env-Or 509.01(b)	*G-70-128 Certification of Bryant Fuel Systems Aboveground Tank Filling/Dispensing Vapor Recovery System*	*08-27-1990*	*http://www.arb.ca.gov/vapor/above/g70128.pdf - no cost*
Env-Or 509.01(b)	*G-70-130-A Certification of Sannipoli Corporation Petro Vault Aboveground Tank Filling/Dispensing Vapor Recovery System*	*02-26-1993*	*http://www.arb.ca.gov/vapor/above/g70130a.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G-70-131-A Certification of Hallmark Industries Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System*	*03-17-1992*	*http://www.arb.ca.gov/vapor/above/g70131a.pdf - no cost*
Env-Or 509.01(b)	*G-70-132-A Certification of Trusco Tank, Inc., Supervault Aboveground Tank Filling/Dispensing Vapor Recovery System*	*12-04-1992*	*http://www.arb.ca.gov/vapor/above/g70132a.pdf - no cost*
Env-Or 509.01(b)	*G-70-132-B Certification of Trusco Tank, Incorporated Supervault Aboveground Filling/Dispensing Vapor Recovery System*	*05-16-1995*	*http://www.arb.ca.gov/vapor/above/g70132b.pdf - no cost*
Env-Or 509.01(b)	*G-70-134 Certification of the EZ-flo Rebuilt A4000-Series and 11V-Series Vapor Recovery Nozzles*	*12-21-1990*	*http://www.arb.ca.gov/vapor/eos/g70134.pdf - no cost*
Env-Or 509.01(b)	*G-70-136 Certification of Ned Pepper, Incorporated FireSafe Aboveground Tank Filling/Dispensing Vapor Recovery System*	*04-15-1991*	*http://www.arb.ca.gov/vapor/above/g70136.pdf - no cost*
Env-Or 509.01(b)	*G-70-137 Certification of Ace Tank & Equipment Company Aboveground Tank Filling/Dispensing Vapor Recovery System "FuelSafe"*	*10-04-1991*	*http://www.arb.ca.gov/vapor/above/g70137.pdf - no cost*
Env-Or 509.01(b)	*G-70-139 Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System*	*03-17-1992*	*http://www.arb.ca.gov/vapor/g70139.pdf - no cost*
Env-Or 509.01(b)	*G-70-140-A Certification of Integral Phase I and Phase II Aboveground Tank Configurations Using the Healy Phase II Vapor Recovery System*	*07-01-1992*	*http://www.arb.ca.gov/vapor/above/g70140a.pdf - no cost*
Env-Or 509.01(b)	*G-70-142-B Certification of a Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks*	*09-09-1994*	*http://www.arb.ca.gov/vapor/above/142b-legal.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G-70-143 Certification of Teichert Precast P/T Vault Aboveground Tank Filling/Dispensing Vapor Recovery System*	*08-07-1992*	*http://www.arb.ca.gov/vapor/above/g70143.pdf - no cost*
Env-Or 509.01(b)	*G-70-147-A Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant*	*07-11-1996*	*http://www.arb.ca.gov/vapor/eos/eo-147/147a.pdf - no cost*
Env-Or 509.01(b)	*G-70-148-A Certification of Hoover Containment Systems, Inc. Lube Cube Aboveground Tank Filling/Dispensing Vapor Recovery System*	*05-04-1995*	*http://www.arb.ca.gov/vapor/above/g70148a.pdf - no cost*
Env-Or 509.01(b)	*G-70-150-AE Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System*	*07-12-2000*	*http://www.arb.ca.gov/vapor/eos/eo-150/eo-150ae/150ae-all.pdf - no cost*
Env-Or 509.01(b)	*G-70-152 Certification of Moiser Brothers Tanks and Manufacturing Protected Aboveground Gasoline Tank Filling/Dispensing Vapor Recovery System*	*10-31-1993*	*http://www.arb.ca.gov/vapor/above/g70152.pdf - no cost*
Env-Or 509.01(b)	*G-70-153-AD Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System*	*04-03-2000*	*http://www.arb.ca.gov/vapor/eos/eo-153/eo-153ad/153ad-all.pdf - no cost*
Env-Or 509.01(b)	*G-70-154-AA Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System*	*06-10-1997*	*http://www.arb.ca.gov/vapor/eos/eo-154/eo-154aa/g70154aa.pdf - no cost*
Env-Or 509.01(b)	*G-70-155 Certification of Petroleum Marketing Services' Aboveground Tank Filling & Dispensing Vapor Recovery Systems*	*03-12-1994*	*http://www.arb.ca.gov/vapor/above/g70155.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	***G-70-156 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Vacuum Assist Vapor Recovery System***	***05-23-1994***	***http://www.arb.ca.gov/vapor/above/g70156.pdf - no cost***
Env-Or 509.01(b)	***G-70-157 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Balance Vapor Recovery System***	***05-23-1994***	***http://www.arb.ca.gov/vapor/above/g70157.pdf - no cost***
Env-Or 509.01(b)	***G-70-158-A Certification of San Luis Tank Piping Construction Co., Inc. Firesafe Aboveground Filling/Dispensing Vapor Recovery System***	***03-24-1995***	***http://www.arb.ca.gov/vapor/above/g70158a.pdf - no cost***
Env-Or 509.01(b)	***G-70-159-AB Modification to the Certification of the Saber Nozzle for Use with Specified Phase II Vapor Recovery Systems***	***07-17-1995***	***http://www.arb.ca.gov/vapor/eos/eo-159/159ab.pdf - no cost***
Env-Or 509.01(b)	***G-70-160 Certification of Above Ground Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System***	***11-09-1994***	***http://www.arb.ca.gov/vapor/above/g70160.pdf - no cost***
Env-Or 509.01(b)	***G-70-161 Certification of Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Filling/Dispensing Vapor Recovery System***	***11-30-1994***	***http://www.arb.ca.gov/vapor/above/g70161.pdf - no cost***
Env-Or 509.01(b)	***G-70-162-A Certification of Steel Tank Institute Fireguard Aboveground Tank Filling/Dispensing Vapor Recovery System***	***03-02-1998***	***http://www.arb.ca.gov/vapor/above/162-a-legal.pdf - no cost***
Env-Or 509.01(b)	***G-70-163-AA Modification to the Certification of the OPW VaporEZ Phase II Vapor Recovery System***	***09-04-1996***	***http://www.arb.ca.gov/vapor/eos/eo-163/163aa.pdf - no cost***
Env-Or 509.01(b)	***G-70-164-AA Modification to Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System***	***12-10-1996***	***http://www.arb.ca.gov/vapor/eos/eo-164/164aa.pdf - no cost***

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G-70-167 Certification of Bakersfield Tank Company Enviro-Vault Aboveground Filling/Dispensing Vapor Recovery System*	*01-09-1996*	*http://www.arb.ca.gov/vapor/above/g70167.pdf - no cost*
Env-Or 509.01(b)	*G-70-168 Bryant Fuel Systems Phase I Vapor Recovery Systems*	*10-15-1995*	*http://www.arb.ca.gov/vapor/above/g70168.pdf - no cost*
Env-Or 509.01(b)	*G-70-169-AA Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System*	*08-11-1997*	*http://www.arb.ca.gov/vapor/eos/eo-169/169aa.pdf - no cost*
Env-Or 509.01(b)	*G-70-170 Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System*	*02-22-1996*	*http://www.arb.ca.gov/vapor/eos/g70170.pdf - no cost*
Env-Or 509.01(b)	*G-70-175 Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems*	*04-18-1996*	*http://www.arb.ca.gov/vapor/above/g70175.pdf - no cost*
Env-Or 509.01(b)	*G-70-177-AA Modification of the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System*	*12-09-1999*	*http://www.arb.ca.gov/vapor/eos/eo-177/eo-177aa/177aa-all.pdf - no cost*
Env-Or 509.01(b)	*G-70-179 Certification of the Catlow ICVN-VI Vacuum Assist Phase II Vapor Recovery System*	*07-02-1997*	*http://www.arb.ca.gov/vapor/eos/eo-179/g70179.pdf - no cost*
Env-Or 509.01(b)	*G-70-180 Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities*	*04-17-1997*	*http://www.arb.ca.gov/vapor/eos/g70180.pdf - no cost*
Env-Or 509.01(b)	*G-70-183-AA Relating to Language Correction in Existing Executive Order G-70-183 (Healy Systems, Inc.)*	*06-29-2001*	*http://www.arb.ca.gov/vapor/eos/eo-183/eo-183aa/183aa.pdf - no cost*
Env-Or 509.01(b)	*G-70-188 Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System*	*05-18-1999*	*http://www.arb.ca.gov/vapor/eos/eo-188/g70188.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G-70-190 Certification of Guardian Containment, Corporation Armor Cast Aboveground Tank Filling/Dispensing Vapor Recovery System*	*10-08-1999*	*http://www.arb.ca.gov/vapor/above/g70190.pdf - no cost*
Env-Or 509.01(b)	*G-70-191-AA Relating to Language Correction in Existing Executive Order G-70-191 (Healy Systems, Inc.)*	*07-30-2001*	*http://www.arb.ca.gov/vapor/eos/eo-191/eo-191aa/191aa.pdf - no cost*
Env-Or 509.01(b)	*G-70-192 Certification of the Healy Model 400 ORVR Nozzle for Existing Aboveground Storage Tank Systems*	*11-24-1999*	*http://www.arb.ca.gov/vapor/above/g70192.pdf - no cost*
Env-Or 509.01(b)	*G-70-193 Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems*	*12-09-1999*	*http://www.arb.ca.gov/vapor/above/g70193all.pdf - no cost*
Env-Or 509.01(b)	*G-70-194 Certification of Containment Solutions Rectangular and Cylindrical Hoover Vault Aboveground Tank Filling/Dispensing Vapor Recovery Systems*	*05-11-2000*	*http://www.arb.ca.gov/vapor/above/g70194.pdf - no cost*
Env-Or 509.01(b)	*G-70-195 Certification of The Cretex Companies, Inc FuelVault Aboveground Tank Filling/Dispensing Vapor Recovery System*	*03-31-2000*	*http://www.arb.ca.gov/vapor/above/g70195.pdf - no cost*
Env-Or 509.01(b)	*G-70-196 Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System*	*12-30-2000*	*http://www.arb.ca.gov/vapor/eos/eo-196/196-all.pdf - no cost*
Env-Or 509.01(b)	*G-70-197 Certification of the Synchrotek Fastflo 3 Phase II Vapor Recovery System*	*06-25-2001*	*http://www.arb.ca.gov/vapor/above/g70197.pdf - no cost*
Env-Or 509.01(b)	*G-70-198 Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards*	*06-04-2001*	*http://www.arb.ca.gov/vapor/eos/eo-198/eo-198.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	*G-70-199-AH Relating to Certification of Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed*	*01-23-2002*	*http://www.arb.ca.gov/vapor/eos/eo-199/eo-199ah.pdf - no cost*
Env-Or 509.01(b)	*G-70-200 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping*	*04-22-2002*	*http://www.arb.ca.gov/vapor/above/g70200.pdf - no cost*
Env-Or 509.01(b)	*G-70-201 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping*	*04-22-2002*	*http://www.arb.ca.gov/vapor/above/g70201.pdf - no cost*
Env-Or 509.01(b)	*G-70-202 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping*	*04-22-2002*	*http://www.arb.ca.gov/vapor/above/g70202.pdf - no cost*
Env-Or 509.01(b)	*VR-101-B Phil-Tite Phase I Vapor Recovery System With Ball Float Overfill Prevention*	*07-12-2002*	*http://www.arb.ca.gov/vapor/eos/eo-vr101/eo-vr101b/vr101b.pdf - no cost*
Env-Or 509.01(b)	*VR-102-A OPW Phase I Vapor Recovery System*	*10-10-2002*	*http://www.arb.ca.gov/vapor/eos/eo-vr102/eo-vr102a/vr102a_final.pdf - no cost*
Env-Or 509.01(b)	*VR-203-A Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)*	*11-05-2007*	*http://www.arb.ca.gov/vapor/eos/eo-vr203/eo-vr203a/vr203a.pdf - no cost*
Env-Or 509.01(b)	*Approval Letter #07-08 Catlow Model CTMVA Cam Twist Breakaway*	*11-07-2007*	*http://www.arb.ca.gov/vapor/approval/cal-07/07-08.pdf - no cost*

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	***Approval Letter #09-02 Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems***	***06-01-2009***	***http://www.arb.ca.gov/vapor/approval/cal-09/09-02.pdf - no cost***
Env-Or 509.01(b)	***CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities***	***02-09-2005***	***http://www.arb.ca.gov/testmeth/vol2/cp201_feb2005.pdf - no cost***

Appendix B: State and Federal Statutes Implemented

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Appendix C: Definitions from State Statutes *and Federal Rules*

RSA 125-C:2, II: "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

RSA 125-C:2, VIII: "Emission" means a release into the outdoor air of air contaminants.

40 CFR §63.11132: "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

40 CFR §51.100: "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect."

Appendix D: PV Vent Cap Pressure and Vacuum Requirements in effect immediately prior to the *2012* effective date of this chapter

Env-Wm 1404.06 Stage I Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an underground gasoline storage tank as follows:

(1) For pressure, 13.8 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 0.9 inches water column vacuum (0.5 oz/in^2).

(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:

(1) For pressure, the lower of the following two values:

a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or

b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in^2).

Env-Wm 1404.18 Stage II Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install a stage II system with a PV vent cap setting as follows:

(1) For pressure, 3.0 inches water column pressure (1.7 oz/in^2); and

(2) For vacuum, 8.0 inches water column vacuum (4.6 oz/in^2).

Change the heading of Env-Wm 1404 and renumber as Env-Or 500 as follows:
CHAPTER Env-Or 500 RECOVERY OF GASOLINE VAPORS

Statutory Authority: RSA 125-C:4, I(a); RSA 125-C:6, II & XIV

Insert a heading for Env-Or 501 as follows:
PART Env-Or 501 PURPOSE; APPLICABILITY

Readopt with amendment Env-Wm 1404.01 through Env-Wm 1404.16, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 501.01 through Env-Or 504.11, to read as follows:

Env-Or 501.01 Purpose. The purpose of this part is to regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended.

Env-Or 501.02 Applicability. This chapter shall apply to gasoline storage tanks, gasoline dispensing facilities, and cargo trucks as follows:

(a) Env-Or 503 shall apply to all gasoline storage tanks having a capacity of 250 gallons or greater;

(b) Env-Or 504, Env-Or 506, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any gasoline dispensing facility, including those at airports and marinas, that:

(1) Has any gasoline storage tank with a capacity equal to or greater than 1,100 gallons of gasoline; or

(2) Has a total facility throughput of equal to or greater than 10,000 gallons of gasoline per rolling 30-day period;

(c) Env-Or 505 shall apply to any gasoline dispensing facility that:

(1) Is subject to stage I requirements; and

(2) Meets the criteria specified in Env-Or 505.01(a); and

(d) Env-Or 507, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any cargo truck that delivers gasoline to any gasoline dispensing facility that meets the applicability criteria for stage I as stated in (b), above.

Env-Or 501.03 Cargo Trucks at Bulk Facilities. The owner or operator of any cargo truck that receives gasoline from a bulk gasoline loading terminal as defined in Env-A 1202.22 or that delivers gasoline to or receives gasoline from a bulk gasoline plant as defined in Env-A 1202.23 shall comply with the vapor recovery requirements in Env-A 1217.

PART Env-Or 502 DEFINITIONS

Env-Or 502.01 "2-point system" means a type of stage I system which uses a vapor return connection at the gasoline storage tank or at the manifold that is independent of the fill connection, for which separate connections are made for the gasoline and vapor recovery hoses. This is also known as a "dual-point system."

Env-Or 502.02 "Air contaminant" means "air contaminant" as defined in RSA 125-C:2, II, as reprinted in Appendix C.

Env-Or 502.03 "Assist system" means a type of stage II system which uses a vacuum pump to assist the transfer of displaced vapors from a motor vehicle fuel tank into a gasoline storage tank at a gasoline dispensing facility.

Env-Or 502.04 "Balance system" means a type of stage II system which relies on a tight seal between the nozzle and the vehicle fill port which causes the displacement and transfer of vapors from a motor vehicle fuel tank into a gasoline storage tank.

Env-Or 502.05 "Cargo truck" means any motor vehicle designed or used to transport or deliver gasoline. The term includes "gasoline tank truck" as used in Env-A 1217 and "gasoline cargo tank" as used in 40 CFR Part 63, Subpart CCCCCC.

Env-Or 502.06 "Certified vapor recovery system" means a vapor recovery system that is configured, certified, and operated as specified in the applicable reference standard in Env-Or 509.

Env-Or 502.07 "Coaxial system" means a type of stage I system which consists of a tube within a tube, such that gasoline is delivered to the gasoline storage tank through the inner tube and the vapors from the gasoline storage tank are returned via the interstice surrounding the fill tube, with a single coupling servicing both the gasoline and vapor recovery hoses.

Env-Or 502.08 "Emission" means "emission" as defined in RSA 125-C:2, VIII, as reprinted in Appendix C.

Env-Or 502.09 "Gasoline" means motor fuel containing any petroleum distillate where the Reid vapor pressure of the fuel is greater than 4.0 pounds per square inch (psi).

Env-Or 502.10 "Gasoline dispensing facility" means any stationary facility that dispenses gasoline directly into the fuel tank of a motor vehicle, motorized water vessel, or airplane. The term includes all equipment necessary for the purpose, including but not limited to nozzles, dispensers, pumps, vapor return lines, plumbing, and gasoline storage tanks.

Env-Or 502.11 "Gasoline storage tank" means any tank used to store gasoline other than a tank that is used as part of the bulk operations at a bulk gasoline loading terminal or bulk gasoline plant.

Env-Or 502.12 "Leak free" means a system where no gasoline is leaked while the system is pressurized.

Env-Or 502.13 "Lower explosive limit (LEL)" means the lowest concentration of a gas or vapor percentage by volume in air that burns or explodes if an ignition source is present at ambient temperature.

Env-Or 502.14 "Manifold" means a device used to interconnect gasoline storage tanks via a tank vent piping system at a gasoline dispensing facility.

Env-Or 502.15 "Monthly throughput" means "monthly throughput" as defined in 40 CFR §63.11132, as reprinted in Appendix C.

Env-Or 502.16 "Motor vehicle" means an on-road vehicle powered in whole or in part by an internal combustion engine.

Env-Or 502.17 "Onboard refueling vapor recovery (ORVR)" means a vapor recovery system required by 40 CFR 86 that is located within a motor vehicle to collect the vapors accumulated in the fuel tank during refueling, as well as new fuel vapors generated during the refueling process, before the fuel vapors escape into the atmosphere.

Env-Or 502.18 "ORVR compatible" means, as applied to a stage II system, that the system is designed for use with both ORVR and non-ORVR equipped vehicles.

Env-Or 502.19 "Owner or operator" means "owner or operator" as defined in 40 CFR §51.100, as reprinted in Appendix C.

Env-Or 502.20 "Poppetted dry break" means a stage I coupling equipped with a poppet valve that prevents vapors in a gasoline storage tank from escaping when a vapor return hose is not connected.

Env-Or 502.21 "Pressure/Vacuum (PV) vent cap" means a relief valve installed on a stage I or stage II system that is designed to open at specific pressure and vacuum settings to protect the system from excessive pressure or vacuum.

Env-Or 502.22 "Reid vapor pressure" means the absolute vapor pressure as determined by the American Society for Testing and Materials (ASTM), test method D323-08.

Env-Or 502.23 "Significant modification" means any construction or alteration of a stage I or stage II system that is not normal upkeep or maintenance.

Env-Or 502.24 "Stage I" means the regulatory system that requires the capture of vapors from bulk gasoline transfers.

Env-Or 502.25 "Stage I system" means the stage I equipment installed to recover gasoline vapors displaced from a gasoline storage tank during gasoline delivery and feed the vapors back into the cargo truck.

Env-Or 502.26 "Stage I equipment" means all components and connections in a stage I system including but not limited to dry breaks, two-point fill adaptors, coaxial fill adaptors, PV vent caps, vent piping, manifold piping, and gasoline storage tanks on which the stage I controls are located.

Env-Or 502.27 "Stage II" means the regulatory system that requires the capture of vapors from gasoline transfers from bulk storage to individual motor vehicles.

Env-Or 502.28 "Stage II system" means the stage II equipment installed at a gasoline dispensing facility to recover gasoline vapors displaced from a motor vehicle fuel tank during refueling of the motor vehicle and return the vapors to the facility's gasoline storage tank.

Env-Or 502.29 "Stage II equipment" means all components and connections in a stage II system including but not limited to vapor return piping, coaxial hoses through which the vapor flows, gasoline nozzles, vapor pumps, and gasoline dispensers, as applicable.

Env-Or 502.30 "Submerged fill tube" means a tube used to load or deliver gasoline into a gasoline storage tank where the gasoline discharge is totally submerged throughout the entire gasoline delivery.

Env-Or 502.31 "Swivel adaptor" means a device mounted on the fill riser pipe and vapor return riser of a gasoline storage tank that prevents loosening or over-tightening of the adaptor by means of a swivel-type mechanism.

Env-Or 502.32 "Test tee fitting" means a branched connection located in the vapor return piping below the dispenser for purposes of testing the vapor return piping.

Env-Or 502.33 "Throughput" means the amount of gasoline dispensed by a gasoline dispensing facility.

Env-Or 502.34 "Topping off" means attempting to dispense additional gasoline into a motor vehicle fuel tank after a vapor recovery dispensing nozzle has automatically shut off in order to prevent the dispensing of any more gasoline. This term does not include the filling of a motor vehicle fuel tank where the nature and configuration of the vehicle's fill pipe causes the premature shut off of the dispensing nozzle.

Env-Or 502.35 "Ullage" means the empty volume of a gasoline storage tank system that contains liquid gasoline. For vapor recovery systems, ullage is expressed as accumulated gallons of empty volume for all of the gasoline storage tanks in a certified vapor recovery system.

Env-Or 502.36 "Vapor tight" means equipment or a system where there is no loss of vapors, as determined by ensuring that the concentration of vapors at a potential leak source is not equal to or greater than 100 percent of the LEL when measured with a combustible gas detector, calibrated with hexane or equivalent, at a distance of one inch from the source.

Env-Or 502.37 "Working days" means calendar days exclusive of weekends and state holidays.

PART Env-Or 503 REQUIREMENTS APPLICABLE TO ALL GASOLINE STORAGE TANKS 250 GALLONS OR GREATER

Env-Or 503.01 Submerged Fill Tube Requirements. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Equip the tank with a submerged fill tube;

(b) Install the submerged fill tube so there is a clearance of at least 4 inches but less than 6 inches between the bottom of the tank and the point at which gasoline can first exit the submerged fill tube; and

(c) Use the submerged fill tube whenever fuel is being added to the tank.

Env-Or 503.02 Gasoline Mishandling Prohibited. No person shall deliberately, recklessly, or negligently mishandle gasoline being delivered to or unloaded from a gasoline storage tank having a capacity equal to or greater than 250 gallons such that gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding onto the ground or into a sewer or storm drain, or storing in an open container.

Env-Or 503.03 Throughput Recordkeeping Required. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Record daily gasoline throughput volume;

(b) Maintain the records required by (a), above, for not less than 3 years; and

(c) Make such records available for inspection and copying upon written request by the department or the U.S. Environmental Protection Agency (EPA).

Env-Or 503.04 Required Throughput Reporting.

(a) The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons at a gasoline dispensing facility that has not been subject to stage I requirements shall report throughput information in writing to the department within 30 days of the facility's throughput equaling or exceeding 10,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

PART Env-Or 504 STAGE I REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Env-Or 504.01 Continuing Applicability of Stage I Requirements For Gasoline Dispensing Facilities. Any gasoline dispensing facility that meets the applicability criteria specified in Env-Or 501.02(b) shall continue to be subject to the stage I requirements even if a reduction in throughput occurs that would otherwise exempt the facility from these requirements.

Env-Or 504.02 Stage I Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Install and maintain a stage I system that is a certified vapor recovery system;

(2) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap;

(3) Label each PV vent cap with the cap's rated pressure and vacuum relief setting;

(4) Position the label specified in (3), above, so that it is visible from ground level;

(5) Install a submerged fill tube as specified in Env-Or 503.01;

(6) For a two-point system:

a. Install a poppetted dry break on the vapor return connection; and

b. Equip the poppetted dry break with a properly sealed adaptor cap attached at all times, except when gasoline is being delivered; and

(7) Install a fill adaptor cap with a properly sealed gasket attached at all times, except when gasoline is being delivered.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps on underground gasoline storage tanks and on aboveground gasoline storage tanks as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the 2012 effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.06(b) or (d) in effect immediately prior to the 2012 effective date of this chapter, as reprinted in Appendix D and as applicable, the owner or operator may continue to use the PV vent cap until the earlier of:

(1) Three years from the 2012 effective date of this chapter;

(2) The cap is required to be replaced pursuant to Env-Or 504.05(c)(2); or

(3) Stage I testing is required pursuant to one of the conditions of Env-Or 504.07(a).

Env-Or 504.03 Stage I System Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Operate the stage I system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(2) Operate all stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(3) Use the installed submerged fill tube to fill the tank.

(b) No person shall transfer or allow the transfer of gasoline into a gasoline storage tank at a gasoline dispensing facility that is subject to this part unless the tank is equipped with an operational stage I certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any gasoline vapors captured by a stage I system to the atmosphere.

Env-Or 504.04 Required Stage I System Inspections and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) Conduct monthly maintenance inspections of all stage I equipment at the facility as specified in Env-Or 504.05;

(b) Conduct an annual maintenance inspection of all stage I equipment at the facility as specified in Env-Or 504.06;

(c) Maintain stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(d) Maintain all stage I equipment, except PV vent caps, to be leak free and vapor tight.

Env-Or 504.05 Stage I System Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 504.04(a) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document each monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Check all vent risers for visible damage and repair as necessary;

(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;

(3) Remove and discard any gasoline, water, or debris present in each spill bucket in accordance with Env-Hw 100-1100;

(4) Check each coaxial fill adaptor cap, 2-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;

(5) If any coaxial fill adaptor cap, 2-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if a gasket is missing or damaged, repair or replace the cap or gasket as applicable;

(6) Replace any failed fill adaptor with a swivel adaptor;

(7) Check each coaxial fill adaptor, 2-point fill adaptor, and dry break adaptor for tightness and tighten with a wrench any adaptor that can be hand rotated; and

(8) For a 2-point system:

a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the valve seat of the adaptor and replace the dry break adaptor with a swivel dry break adaptor if a continuous seal is not present; and

b. Check that the poppet valve depresses evenly across the valve seat of the dry break adaptor and that it reseats properly, and replace the dry break adaptor with a swivel dry break adaptor if either condition is not met.

(d) If the owner of the facility is a political subdivision, a dry break adaptor that does not meet the requirements of (c)(8), above, shall be repaired or replaced with a non-swivel type dry break adaptor if the political subdivision chooses to not pay for a swivel-type adaptor.

Env-Or 504.06 Stage I System Annual Maintenance Inspection.

(a) Subject to (e), below, the owner or operator shall perform the annual maintenance inspections required by Env-Or 504.04(b):

(1) No later than September 30 of each calendar year; and

(2) Subject to (b), below, no sooner than 10 months after the prior annual inspection.

(b) If a stage I test is done in lieu of an annual inspection as provided in (e), below, the owner or operator shall perform the next annual maintenance inspection no sooner than 10 months after the stage I test.

(c) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(d) During each annual maintenance inspection, the owner or operator shall:

(1) Perform all inspections and maintenance specified in Env-Or 504.05 for monthly inspections;

(2) Replace or permanently plug each drain valve located in each spill bucket;

(3) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and

(4) Ensure that the submerged fill tube has the clearance specified in Env-Or 503.01(b).

(e) An annual maintenance inspection shall not be required for any calendar year in which the stage I system successfully passes a stage I system test performed as specified in Env-Or 504.07 through Env-Or 504.10 prior to the due date of the annual inspection as specified in (a), above.

Env-Or 504.07 Stage I System Testing Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage I system testing as specified in Env-Or 504.08 through Env-Or 504.10:

(1) For tanks at gasoline dispensing facilities having a throughput of 100,000 gallons per month or more, at least once every 3 years; and

(2) For all tanks, within 30 days of:

a. Failing to perform 2 monthly maintenance inspections in accordance with Env-Or 504.05 in any given calendar year;

b. Failing to perform the annual maintenance inspection as required by Env-Or 504.06(a); or

c. Discovering that the stage I system is not functioning as specified in the applicable stage I certification reference standard in Env-Or 509.

(b) The owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing at least 7 working days prior to performing the test of the planned test date, test time, and if applicable, the testing consultant being used.

(c) If the test is being performed pursuant to (a)(1) or (a)(2)c., above, the owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(d) Within 30 days of the completion of each test performed, the owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing of the specific test results, and if a test failed, the specific actions to be taken to correct the problem and the next planned test time and date.

(e) The owner or operator of a gasoline dispensing facility that does not meet all of the criteria for a successful stage I system test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (f), below, retest the stage I system within 30 days of the failed test.

(f) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage I system that failed the original test.

Env-Or 504.08 Required Stage I System Test Components. The owner or operator of a gasoline dispensing facility shall ensure that stage I system test procedures consist of the following:

(a) A PV vent cap test for pressure and vacuum as specified in Env-Or 504.09;

(b) A pressure decay test as specified in Env-Or 504.10; and

(c) A submerged fill tube measurement to ensure and document that the requirements of Env-Or 503.01(b) are met.

Env-Or 504.09 PV Vent Cap Test Procedures, Criteria, and Required Actions.

(a) The PV vent cap test for pressure and vacuum required by Env-Or 504.08(a) shall be conducted in accordance with California Air Resources Board (CARB) Vapor Recovery Test Procedure (TP) 201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, dated October 8, 2003.

(b) To pass the pressure and vacuum tests specified in (a), above, the:

(1) Pressure relief point shall occur between 2.5 to 6.0 inches water column pressure;

(2) The vacuum relief point shall occur between 6.0 to 10.0 inches water column pressure; and

(3) The total leak rate of all PV vent caps at the facility shall not exceed 0.17 cubic feet per hour at a pressure of 2.0 inches water column and 0.63 cubic feet per hour at a vacuum of 4.0 inches water column.

(c) If the PV vent cap fails either the pressure test or the vacuum test as specified in (a) and (b), above, the owner or operator shall replace the PV vent cap with a PV vent cap as specified in Env-Or 504.02(b) that passes the test requirements of (b), above.

Env-Or 504.10 Pressure Decay Test Procedures, Criteria, and Required Actions.

(a) The pressure decay test required by Env-Or 504.08(b) shall be performed:

(1) Following the PV vent cap test specified in Env-Or 504.09; and

(2) In accordance with CARB TP-201.3A, as amended April 12, 1996, except that the test shall be performed at 10 inches water column pressure.

(b) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in table 500-1, below:

Table 500-1 Minimum Allowable Pressure

Ullage (gallons)	Minimum Allowable Pressure (inches water column)	Ullage (gallons)	Minimum Allowable Pressure (inches water column)
500	3.70	5,000	9.30
600	4.50	6,000	9.38
700	5.20	7,000	9.46
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,500	7.50	12,000	9.64
1,750	7.90	13,000	9.66
2,000	8.20	14,000	9.68
2,250	8.35	15,000	9.70
2,500	8.50	16,000	9.71
2,750	8.60	17,000	9.71
3,000	8.70	18,000	9.72
3,250	8.80	19,000	9.73
3,500	8.90	20,000	9.73
3,750	9.00	21,000	9.74
4,000	9.10	22,000	9.75
4,250	9.15	23,000	9.75
4,500	9.20	24,000	9.76
4,750	9.25	25,000	9.77

(c) If the stage I system does not pass the pressure decay test, the owner or operator shall undertake such repairs as are necessary and retest until the stage I system passes the test.

Env-Or 504.11 Compliance Schedule for Stage I Systems.

(a) If the throughput of a gasoline dispensing facility that had not previously met the criteria of Env-Or 501.02(b) becomes equal to or greater than 10,000 gallons of gasoline per rolling 30-day period, the owner or operator shall comply with all applicable requirements of this chapter within 180 days after the date the facility becomes subject to this part.

(b) The owner or operator of a gasoline dispensing facility that begins operation after the effective date of this chapter and that meets the criteria of Env-Or 501.02(b) shall comply with all applicable requirements of this chapter upon commencement of operation.

(c) The owner or operator of a gasoline dispensing facility that already is subject to stage I requirements and that undergoes significant modifications to any tank or piping shall comply with all applicable requirements of this chapter as to the complete stage I system, including all modified components, upon completion of the modifications.

(d) If the monthly throughput of a gasoline dispensing facility is 100,000 gallons of gasoline per month or more as of the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the 2012 effective date of this chapter.

(e) If the monthly throughput of a gasoline dispensing facility increases to 100,000 gallons of gasoline per month or more subsequent to the 2012 effective date of this chapter, then:

(1) The owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the throughput becoming equal to or greater than 100,000 gallons of gasoline per month; and

(2) The facility shall continue to be subject to Env-Or 504.07(a)(1) even if a reduction in throughput occurs to below the specified threshold.

Insert a heading for Env-Or 505 as follows:
PART Env-Or 505 STAGE II REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Readopt with amendment Env-Wm 1404.17, eff. 8-21-04 (doc. #8141), as amended eff. 11-29-11 (doc. #10036), and renumber as Env-Or 505.01 through Env-Or 505.03, to read as follows:

Env-Or 505.01 Applicability of Stage II Requirements.

(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility shall comply with this part in addition to Env-Or 503, Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509 if the facility:

(1) Meets the criteria specified in Env-Or 501.02(b) for a stage I system;

(2) Is located in Hillsborough, Merrimack, Rockingham, or Strafford county;

(3) Does not qualify for an exemption pursuant to Env-Or 505.02; and

(4) Meets one of the following criteria:

a. The facility has a throughput equal to or greater than 35,000 gallons per rolling 30-day period; or

b. The facility was constructed after November 15, 1990, regardless of the amount of throughput.

(b) Once a facility meets the applicability criteria in (a), above, the owner or operator shall continue to be subject to the stage II requirements even if a reduction in throughput occurs to below the threshold specified in (a)(4)a., above.

Env-Or 505.02 Exemptions from Stage II Requirements.

(a) Any gasoline dispensing facility that services only motorized water vessels, airplanes, or agricultural equipment shall be exempt from this part.

(b) The owner or operator of a gasoline dispensing facility that meets the criteria specified in Env-Or 505.01(a)(1), (2), and (4) shall be exempt from the requirements to install and to operate stage II equipment provided that:

(1) Facility construction commences on or after January 1, 2012;

(2) Facility construction commenced prior to January 1, 2012 but stage II equipment had not been installed prior to January 1, 2012; or

(3) The owner or operator decommissions the stage II equipment in accordance with Env-Or 505.03.

Env-Or 505.03 Decommissioning Stage II Systems.

(a) Subject to (d), below, the owner or operator of a gasoline dispensing facility equipped with stage II equipment shall decommission the stage II equipment by December 22, 2015 in accordance with this section.

(b) To qualify for an exemption under Env-Or 505.02(b)(3) or to comply with (a), above, the owner or operator shall do the following in the order listed:

(1) Submit a completed notification form as described in Env-Or 506.02 to notify the department of the intent to decommission the stage II equipment;

(2) Conduct a pressure decay test on the stage II vapor return piping as specified in Env-Or 505.11 and Env-Or 505.12 within 30 days prior to the scheduled decommissioning of the stage II equipment;

(3) Decommission the stage II system in accordance with all of the steps listed in the Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping, 2009 edition; and

(4) If the stage II vapor return piping did not pass the pressure decay test even after retesting in accordance with Env-Or 505.10(b), permanently close the stage II vapor return piping as specified in Env-Wm 1401.18(g)(2) or successor rule in subtitle Env-Or.

(c) Any owner or operator who decommissions stage II vapor recovery equipment shall continue to comply with the pressure decay and PV vent cap pressure and vacuum testing requirements of Env-Or 505.10 through Env-Or 505.12 for all equipment that remains in place, including any stage II vapor return piping that remains connected at the tank.

(d) The requirement to decommission a stage II vapor recovery system shall not apply to political subdivisions. If a political subdivision that owns a stage II system chooses to decommission the equipment, such decommissioning shall comply with (b), above.

Readopt with amendment Env-Wm 1404.18 through Env-Wm 1404.37, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 505.04 through Env-Or 509.01, to read as follows:

Env-Or 505.04 Stage II Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that meets the criteria of Env-Or 505.01(a) shall:

(1) Install and maintain a stage II system that is a certified vapor recovery system; and

(2) Use a 2-point system at each assist system facility.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the 2012 effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.18(b) in effect immediately prior to the 2012 effective date of this chapter, as reprinted in Appendix D, the owner or operator may continue to use the PV vent cap until the earlier of:

(1) Three years from the 2012 effective date of this chapter;

(2) The cap is required to be replaced pursuant to Env-Or 505.08(c)(1); or

(3) Stage II testing is required pursuant to one of the conditions of Env-Or 505.10(a).

(d) The owner or operator of any stage II equipment that is subject to a dynamic back pressure test as specified in Env-Or 504.12 shall permanently install, at each dispenser, a test tee fitting that is:

(1) Equipped with a plug securely threaded into the branch connection; and

(2) Accessible to allow for testing of the vapor return piping.

Env-Or 505.05 Stage II Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall operate the stage II system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(b) No owner or operator of a gasoline dispensing facility that is subject to this part shall transfer or allow the transfer of gasoline from a gasoline storage tank at the facility into a motor vehicle fuel tank unless the facility is operating with a stage II system that is a certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any vapors captured by a stage II vapor recovery system to the atmosphere.

(d) The owner or operator of a gasoline dispensing facility using a stage II system shall post in a conspicuous location in the gasoline dispensing area:

(1) A warning that topping off is prohibited because it could result in spillage or return of gasoline into the gasoline storage tank; and

(2) The department telephone number for reporting difficulties with stage II equipment and equipment malfunctions.

Env-Or 505.06 Required Stage II System Inspection and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) For balance systems, conduct daily inspections of each gasoline dispenser nozzle as specified in Env-Or 505.07;

(b) Conduct monthly maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.08;

(c) Conduct annual maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.09;

(d) Maintain stage II equipment as specified by the manufacturer or by the applicable reference standard specified in Env-Or 509; and

(e) With the exception of PV vent caps, maintain stage II equipment to be leak free and vapor tight.

Env-Or 505.07 Stage II Balance System Daily Nozzle Inspection Requirements.

(a) The owner or operator shall perform the daily inspection required by Env-Or 505.06(a) for a balance system on each nozzle once per day of facility operation as follows:

(1) Remove the nozzle from its dispenser holder;

(2) Extend the hose to create a straight section of sloping hose section between the high point of the hose and the nozzle;

(3) With the nozzle pointed into a container approved for gasoline storage, pull back the nozzle bellows to open the nozzle vapor valve; and

(4) Drain any residual liquid gasoline out of the vapor portion of the nozzle and hose into the gasoline storage container.

(b) The owner or operator performing the test shall mark the gasoline dispenser nozzle as "Out of Order" with a tag or a bag if the nozzle is not operating as specified in the applicable reference standard in Env-Or 509.

(c) No person shall use or allow the use of equipment marked "Out of Order" until it has been repaired, replaced, or adjusted, as necessary, and retested to ensure it is working properly.

Env-Or 505.08 Stage II Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 505.06(b) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document the monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Complete all items required for stage I specified in Env-Or 504.05(c);

(2) For a balance system:

a. Check each hose in and around each dispenser for tears, leaks, holes, or defects of any kind and replace any hoses containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter;

b. Check each nozzle bellow for tears, leaks, holes, or defects of any kind and replace any bellows containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter; and

c. Check each nozzle bellow's faceplate for continuity with a minimum of 75% of the bellows faceplate sealed against the vehicle fill pipe during fueling operation and replace any bellows faceplate not meeting that criterion; and

(3) For an assist system:

a. Check each hose for kinks or crimps and replace all defective sections;

b. Check each nozzle spout for looseness and tighten or replace as necessary;

c. Check each vapor return hole on the nozzle spout for blockage or obstruction and replace the nozzle or spout if the number of unobstructed holes does not meet the requirements for a specific stage II system; and

d. If a splash or vapor guard is required, check each splash or vapor guard for integrity and replace if the guard is missing or damaged.

Env-Or 505.09 Stage II System Annual Maintenance Inspection.

(a) Subject to (d), below, the owner or operator shall perform the annual maintenance inspection required by Env-Or 505.06(c) as specified in Env-Or 504.06.

(b) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each annual maintenance inspection, the owner or operator shall perform all inspections and maintenance specified in Env-Or 505.07, if applicable, and Env-Or 504.06(c).

(d) An annual maintenance inspection shall not be required for any calendar year in which the stage II system successfully passes a pressure decay test performed as specified in Env-Or 504.12 prior to the due date of the annual inspection as specified in (a), above.

Env-Or 505.10 Required Stage II System Testing.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage II system testing as specified in Env-Or 505.11 and Env-Or 505.12 at least once every 3 years and at the following times:

(1) No later than 15 days after completion of installation of a new stage II system;

(2) No later than 15 days after completion of any significant modification to an existing stage II system;

(3) No later than 15 days after completion of any backfill, pavement, or concrete work around stage II equipment;

(4) Within 90 days prior to the expiration date of any stage II permit issued as provided in Env-Or 505.13; and

(5) No later than 30 days following an inspection that identifies deficiencies in the certified stage II vapor recovery system at the facility.

(b) The owner or operator of a facility that does not meet all of the criteria for a successful test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (c), below, retest the stage II system within 30 days of the failed test.

(c) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage II system that failed the original test.

Env-Or 505.11 Stage II System Testing: Scheduling and Notification Requirements.

(a) The owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(b) Prior to initiating a test, the owner or operator shall notify the department in writing of the planned test date, test time, and testing consultant being used, if applicable.

(c) The owner or operator shall send the notice required by (b), above, by letter, fax, or e-mail, so long as the notice is received by the department at least 7 working days in advance of the test date.

(d) Within 30 days of the completion of the test, the owner or operator shall notify the department in writing by fax, letter, or e-mail of the specific test results and data collected during the testing.

(e) The owner or operator shall report any test failure to the department in writing within 24 hours, unless the cause is immediately determined and corrected and the failure did not result in a release of vapors to the environment.

Env-Or 505.12 Stage II System Testing Procedures.

(a) In this section:

(1) "TP 201.3A" means CARB TP 201.3A Pressure Decay dated April 12, 1996, except that the test shall be performed at 10 inches water column;

(2) "TP 201.4" means CARB TP 201.4 Dynamic Back pressure dated July 3, 2002; and

(3) "TP 201.5" means CARB TP 201.5 Air to Liquid Ratio (A/L) dated February 1, 2001.

(b) Testing shall be conducted at a facility only if all volumetric liquid gasoline measuring devices at each dispenser have been calibrated in accordance with the requirements of the bureau of weights and measures of the New Hampshire department of agriculture, markets, and food.

(c) The owner or operator shall perform the following specified tests:

(1) For a balance system:

a. The pressure decay test performed in accordance with TP 201.3A; and

b. The dynamic back pressure test performed in accordance with TP 201.4 on each nozzle;

(2) For a bootless nozzle system:

a. The pressure decay test performed in accordance with TP 201.3A;

b. The dynamic back pressure test performed in accordance with TP 201.4 test tee fitting location as described in Env-Or 505.04(c); and

c. The A/L test performed in accordance with TP 201.5;

(3) For Healy Model 400 ORVR compatible booted nozzle system using a central vacuum unit:

a. The pressure decay test performed in accordance with CARB executive order G-70-186 or G-70-187;

b. The Healy vacuum integrity test; and

c. The Healy fillneck vapor pressure regulation fueling test;

(4) For Healy Model 600 bootless or booted nozzle system and Healy Model 800 booted nozzle system with the Healy/Franklin VP 1000 vapor pump or equivalent:

a. The pressure decay test performed in accordance with CARB executive order G-70-191;

b. The dynamic back pressure test in accordance with TP 201.4 at the test tee fitting location described in Env-Or 505.04(c); and

c. The A/L test with a Healy A/L adaptor for booted nozzles performed in accordance with TP 201.5; and

(5) For Healy Model 600 bootless system using a central vacuum unit:

a The pressure decay test performed in accordance with CARB executive order G-70-165;

b. The Healy vacuum integrity test; and

c. The A/L test performed in accordance with TP 201.5.

(d) For any pressure decay test performed in accordance with TP 201.3A, the owner or operator shall ensure, and the individual conducting the pressure decay test shall verify, that there are no product deliveries into or out of any gasoline storage tank within the 3 hours prior to the test or during the performance of the test.

(e) All A/L test equipment shall be calibrated once every 12 months as specified by the manufacturer.

(f) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in Env-Or 504.10(b), table 500-1.

(g) The owner or operator shall verify that PV vent cap pressure and vacuum tests are performed as specified in Env-Or 504.09.

Env-Or 505.13 Permit to Operate.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part and to RSA 146-C shall have a valid permit to operate in accordance with RSA 146-C and Env-Wm 1401 or successor rules in subtitle Env-Or.

(b) As part of the application for the permit to operate, the owner or operator of the stage II facility shall submit to the department the following:

(1) A completed stage II vapor recovery notification form; and

(2) The results of all required stage II tests in accordance with Env-Or 505.11(d).

(c) The permit to operate shall be prominently displayed in an area where it can be observed in the normal course of an inspection of the facility.

Env-Or 505.14 Compliance Schedule for Stage II Systems.

(a) The owner or operator of a gasoline dispensing facility that becomes subject to this part after the effective date of this part shall comply with the requirements of this part within one year after the date the facility becomes subject to stage II requirements.

(b) The owner or operator of a facility that meets the stage II applicability criteria specified in Env-Or 505.01 as of the date it initiates operations shall be in compliance with the requirements of this part prior to commencing operation.

PART Env-Or 506 NOTIFICATION AND RECORDKEEPING FOR GASOLINE DISPENSING FACILITIES

Env-Or 506.01 Required Throughput Reporting.

(a) The owner or operator of a gasoline dispensing facility that is subject to Env-Or 504 shall report throughput information in writing to the department within 30 days of the throughput equaling or exceeding 100,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

Env-Or 506.02 Notification Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements shall submit a "Vapor Recovery Notification Form" (VRN form) as described in Env-Or 506.03 to the department as follows:

(1) At least 30 days prior to any construction, installation, or significant modification that affects a stage I system or a stage II system, or both;

(2) Prior to scheduling a stage II test pursuant to Env-Or 505.11 or decommissioning a stage II system as specified in Env-Or 505.03(b)(1);

(3) At least 10 days prior to a change in use of a storage tank from gasoline to non-gasoline or non-gasoline to gasoline; and

(4) Within 10 days after a change of any of the items specified in Env-Or 506.03.

(b) If ownership of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements is transferred, the new owner shall submit a completed VRN form to the department within 10 days of the transfer.

(c) The owner or operator shall sign and date the VRN form.

(d) The signature of the owner or operator shall constitute:

(1) Certification that the information on the VRN form is true and correct to the best of the individual's knowledge and belief; and

(2) Acknowledgement that the individual is subject to the penalties specified in RSA 641:3 for making unsworn false statements.

(e) The department shall, within 30 days of receipt of the VRN form, inform the individual who submitted the VRN form of any deficiencies in the notification.

(f) If the department is not able to determine the effectiveness or design of the equipment or system being constructed, installed, or significantly modified, the department shall request additional information in order to make such determination.

Env-Or 506.03 Vapor Recovery Notification Form. The Vapor Recovery Notification Form (VRN form) required to be submitted by Env-Or 506.02 shall require the following information:

(a) The name, physical address, mailing address, main telephone number, main fax number, and site number of the gasoline distribution facility;

(b) The name, mailing address, daytime telephone number, fax number, and email address of each owner of the gasoline distribution facility;

(c) The name, mailing address, daytime telephone number, fax number, and email address of the individual who is responsible for:

(1) The stage I system at the gasoline distribution facility; and

(2) If applicable, the stage II system at the gasoline distribution facility;

(d) A description of all stage I equipment at the gasoline distribution facility, including but not limited to the 2-point or coaxial stage I system and, if there is a 2-point system, a statement as to whether the dry break adaptor is located on the manifold or on the tank;

(e) For stage II gasoline distribution facilities:

(1) A description of all stage II equipment, including but not limited to, the type of system and the type of vapor assist; and

(2) Gasoline dispenser information, including but not limited to the number of dispensers and number of nozzles at each dispenser;

(f) The number of gasoline storage tanks at the gasoline distribution facility and for each tank, the size of the tank and the grade of gasoline contained in the tank;

(g) The date when construction, installation, or significant modification of any stage I or stage II equipment at the gasoline distribution facility occurred.

Env-Or 506.04 Recordkeeping Requirements for Gasoline Dispensing Facilities. The owner or operator of a gasoline dispensing facility that is subject to this chapter shall:

(a) Maintain the following records such that they are available during a department or EPA inspection:

(1) A copy of this chapter;

(2) The records of each monthly maintenance inspection conducted over the prior 3 years as required by Env-Or 504.05 or Env-Or 505.08, as applicable;

(3) The records of each annual maintenance inspection conducted over the prior 3 years as required by Env-Or 504.06 or Env-Or 505.09, as applicable;

(4) A description of all repair work completed as a result of any of the inspections included in (2) or (3), above;

(5) All other information regarding equipment failures, repairs, and maintenance over the prior 3 years that is not included in (4), above; and

(6) A copy of the manual entitled, "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual";

(b) Provide the following records upon request of the department or EPA:

(1) All records of installation of stage I equipment and, if applicable, of stage II equipment;

(2) Bulk liquid receipts;

(3) A copy of each VRN form as described in Env-Or 506.03 completed for the facility; and

(4) For stage II systems:

a. A copy of the facility's current permit to operate, as required by Env-Or 505.13; and

b. Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable; and

(c) Retain the records identified in (a) and (b), above, as specified in table 500-2, below:

Table 500-2: Required Record Retention Periods

Record Required by Env-Or 506.04	Description of Record	Required Retention Period
(a)(1)	The vapor recovery rules, Env-Or 500	Duration of the operating life of the facility
(a)(6)	The "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual"	
(b)(2)	Bulk liquid receipts	Until such time as the equipment is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(2)	A record of each monthly maintenance inspection as specified in Env-Or 504.05 or Env-Or 505.08, as applicable	3 years from date of receipt or completion, as applicable, provided that if the owner or operator has been notified of a pending inquiry into the integrity of the gasoline storage tank(s) at the facility, then until such time as the stage I or stage II equipment, as applicable, is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(3)	A record of each annual maintenance inspection as specified in Env-Or 504.06 or Env-Or 505.09, as applicable	
(a)(4)	A description of all repair work completed as a result of any of the inspections included in (a)(2) or (a)(3)	
(a)(5)	All other information that is relevant to equipment failures, repairs, and maintenance that is not included in (a)(4)	
(b)(1)	All records of installation of stage I equipment and, if applicable, of stage II equipment	
(b)(4)b.	For stage II systems: Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable	
(b)(3)	A copy of each Vapor Recovery Notification Form as described in Env-Or 506.03 completed for the facility	
(b)(4)a.	For stage II systems: A copy of the facility's current permit to operate, as required by Env-Or 505.13	Until a new or renewed permit to operate is received

PART Env-Or 507 STAGE I REQUIREMENTS FOR CARGO TRUCKS

Env-Or 507.01 Required Equipment for Cargo Trucks.

(a) The owner or operator of a cargo truck that meets the criteria specified in Env-Or 501.02(d) shall install and maintain a stage I system to serve the cargo truck that is a certified vapor recovery system.

(b) All hoses and stage I equipment on the cargo truck shall be specifically manufactured for use in transferring gasoline or otherwise certified by the manufacturer as compatible with gasoline.

(c) The cargo truck shall be connected during gasoline delivery to a gasoline storage tank using:

(1) For a coaxial system, a separate coaxial coupling with one vapor return hose used for every fill hose in service;

(2) For a 2-point system where the tanks are connected with a manifold, a minimum of one vapor return hose used for every 2 fill hoses in service; and

(3) For a 2-point system where the tanks are not connected with a manifold, a separate vapor recovery connection at each tank being filled.

Env-Or 507.02 Maintenance Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall maintain stage I equipment as specified by the manufacturer and so as to be leak-free and vapor tight.

Env-Or 507.03 Operational Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall operate the stage I system to recover at least 95% of all gasoline vapors released from the gasoline tank to which the fuel is being delivered during unloading operations at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher. This standard shall apply to each cargo truck during each applicable gasoline delivery.

(b) During loading of gasoline at a bulk gasoline loading terminal and during loading or unloading of gasoline at a bulk gasoline plant, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed:

(1) A pressure setting of 18.0 inches water column pressure; and

(2) A vacuum setting of 5.9 inches water column vacuum.

(c) During unloading of gasoline at a gasoline dispensing facility, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed a vacuum setting of 5.9 inches water column vacuum.

(d) If a cargo truck does not meet the requirements specified in (b) or (c), above, as applicable, the owner or operator of the cargo truck shall repair and retest the truck within 15 days.

(e) The owner or operator of a cargo truck shall securely fasten all hatches on the truck except when access is needed to take a measurement of gasoline level or perform maintenance activities.

(f) No person shall unload gasoline from any cargo truck to any gasoline storage tank at any gasoline dispensing facility that is subject to Env-Or 504 unless the owner or operator of the facility has installed and is maintaining as operational a certified stage I vapor recovery system.

(g) No person shall deliberately, recklessly, or negligently vent any vapors captured by the stage I system serving a cargo truck to the atmosphere.

(h) No person shall deliberately, recklessly, or negligently mishandle gasoline being loaded to or unloaded from a cargo truck such that the gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding into a sewer or storm drain, or storing in an open container.

Env-Or 507.04 Testing Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall:

(a) Conduct an annual certification test in accordance with 40 CFR §63.425(e); and

(b) If the cargo truck does not meet the applicable parameters specified in 40 CFR §63.425(e), undertake such repairs as are necessary and retest.

Env-Or 507.05 Monitoring for Cargo Trucks. The department shall inspect a cargo truck to determine whether the truck is leak tight and vapor tight either:

(a) Upon receipt of information that supports a reasonable conclusion that the truck might not be leak tight and vapor tight, including visual and olfactory information; or

(b) Pursuant to a routine inspection.

Env-Or 507.06 Treatment of Vapor Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall dispose of the vapors at a bulk terminal equipped with a certified stage I vapor recovery system, using the vapor collection system and vapor destruction methods described in Env-A 1217.06(c).

Env-Or 507.07 Recordkeeping Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall maintain in the cargo truck at all times the following:

(1) Documentation that the cargo truck has met the requirements of Env-Or 507.04;

(2) Test results for both the pressure and vacuum tests required by Env-Or 507.04; and

(3) Proof of compliance and the date of all tests conducted in accordance with the stage I testing requirements for cargo trucks as stated in this part, which shall be displayed on the cargo truck.

(b) The driver of a cargo truck that is subject to this part shall provide the documents listed in (a), above, upon request of the department or EPA for inspection and copying.

PART Env-Or 508 WAIVERS

Env-Or 508.01 Applicability. An owner or operator who wishes to obtain a waiver from any rule in this chapter shall request the waiver as specified in Env-Or 508.02.

Env-Or 508.02 Waiver Requests.

(a) Each request for a waiver shall be filed in writing by the owner or operator who is seeking the waiver.

(b) The person requesting the waiver shall provide the following information to the department:

(1) The name, mailing address, and daytime telephone number of the requestor and, if available, a fax number and e-mail address of the requestor;

(2) As applicable, the name, physical address, and site number of the facility to which the waiver request relates, or the registration number of the cargo truck to which the waiver would apply;

(3) The specific rule section or paragraph for which a waiver is being requested;

(4) A full explanation of why a waiver is being requested, including an explanation of the consequences of complying with the rule as written;

(5) Whether the need for the waiver is temporary, and if so, the estimated length of time that the waiver will be needed;

(6) If applicable, a full explanation of the alternative that is proposed to be substituted for the requirement in the rule, including written documentation or data, or both, to support the alternative; and

(7) A full explanation of why the requestor believes that having the waiver granted will meet the criteria in Env-Or 508.03.

(c) The requestor shall sign and date the request.

(d) The signature shall constitute certification that:

(1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and

(2) The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.

(e) The department shall transmit a copy of each waiver request filed in compliance with (a) through (c), above, to EPA within 5 working days of its receipt.

Env-Or 508.03 Waiver Criteria.

(a) Subject to (b) and (c), below, the department shall grant a waiver if:

(1) Granting a waiver will not result in an adverse impact on the environment, public health, or public safety that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

a. Granting a waiver is consistent with the intent and purpose of the rule being waived; or

b. Strict compliance with the rule will provide no benefit to the public or the environment.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify any state statute, unless a waiver is expressly allowed by the statute that would be waived.

(c) No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted.

Env-Or 508.04 Decision on Waiver Requests; Conditions.

(a) The department shall notify the requestor of the decision in writing within 60 days of receipt of a request that meets the requirements of Env-Or 508.02.

(b) If the request is denied, the department shall identify the specific reason(s) for the denial.

(c) The department shall include such conditions in a waiver as are necessary to ensure that the criteria of Env-Or 508.03 will be met.

(d) If the need for a waiver is temporary, the waiver shall specify the date on which it will expire.

PART Env-Or 509 REFERENCE STANDARDS

Env-Or 509.01 Reference Standards. A vapor recovery system for an underground or aboveground gasoline storage tank or cargo truck shall be designed, installed, tested, and certified for use in accordance with one or more of the applicable reference standards listed below:

(a) PEI/RP 300-09, "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites", Petroleum Equipment Institute, 2009 edition; and

(b) The CARB executive orders, approval letters, and test methods set forth in table 500-3, below:

Table 500-3: CARB Reference Standards

CARB ID	Description	Date
G – 70 – 2 – G	Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 4 – A	Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/23/77
G – 70 – 5	Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05/06/93
G – 70 – 6	Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04/26/77
G – 70 – 7 – AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03/22/93
G – 70 – 8	Modification of the Certification of the Chevron Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	07/13/77
G – 70 – 9 – A	Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tanks Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G – 70 – 10 – A	Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G – 70 – 14 – AA	Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02/28/83
G – 70 – 17 – AD	Modification of the Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05/06/93
G – 70 – 18 – C	Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System	08/28/79
G – 70 – 20	Modification of the Certification of the Texaco Stage I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/21/78
G – 70 – 23 – AC	Recertification of the Exxon Balance Phase II Vapor Recovery System	04/29/96
G – 70 – 25 – AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02/08/83

CARB ID	Description	Date
G – 70 – 33 – AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03/09/84
G – 70 – 34 – A	Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adaptor for Military Delivery Tanks to Include the Parker Hannifin F428A	08/13/79
G – 70 – 36 – AD	Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/18/92
G – 70 – 37 – B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01/22/80
G – 70 – 38 – AB	Recertification of the Texaco Balance Phase II Vapor Recovery System	12/19/90
G – 70 – 47 – B	Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 48 – AA	Recertification of the Mobile Oil Balance Phase II Vapor Recovery System	020/8/83
G – 70 – 49 – AA	Recertification of the Union Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 50	Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12/05/79
G – 70 – 52 – AM	Certification of the Components for Red Jacket, Hirt, and Bala2nce Phase II Vapor Recovery System	11/19/09
G – 70 – 53 – AA	Recertification of the Chevron Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 70 – AC	Certification of the Healy Phase II Vapor Recovery System for Service Stations	06/23/92
G – 70 – 77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/15/82
G – 70 – 78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components	05/20/83
G – 70 – 97 – A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/09/85
G – 70 – 101 – B	Recertification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11/15/85
G – 70 – 102 – A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05/25/93
G – 70 – 106	Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01/27/86
G – 70 – 107	Certification of the rainbow Petroleum Products Model RA3003, RA3005, RA3006, and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05/15/86
G – 70 – 110	Certification of the Stage I and Stage II Vapor Recovery Systems for Methanol Fueling Facilities	01/20/87
G – 70 – 116 – F	ConVault Aboveground Tank Vapor Recovery System	11/30/95
G – 70 – 118 – AB	Certification of the Amoco V-1 Vapor Recovery System	03/31/95

CARB ID	Description	Date
G – 70 – 125 – AA	Modification of the Certification of the Husky Model V Phase II Vapor Recovery Nozzle	03/16/93
G – 70 – 127	Certification of the OPW Model 111-V Phase II Vapor Recovery Nozzle	08/16/90
G – 70 – 128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System	08/27/90
G – 70 – 130 – A	Petrovault Aboveground Tank Vapor Recovery System	02/26/93
G – 70 – 131 – A	Tank Vault Aboveground Tank Vapor Recovery System	03/17/92
G – 70 – 132 – A	Supervault Aboveground Tank Vapor Recovery System	10/16/90
G – 70 – 132 – B	Supervault Aboveground Tank Vapor Recovery System	05/16/95
G – 70 – 134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery Nozzle	12/21/90
G – 70 – 136	FireSafe Aboveground Tank Vapor Recovery System	04/15/91
G – 70 – 137	FuelSafe Aboveground Tank Vapor Recovery System	10/4/91
G – 70 – 139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03/17/92
G – 70 – 140 – A	Integral Phase I and II Aboveground Configurations with the Healy Phase II Vapor Recovery System	07/1/92
G – 70 – 142 – B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09/09/94
G – 70 – 143	P/T Vault Aboveground Tank Vapor Recovery System	08/07/92
G – 70 – 147 – A	Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07/11/96
G – 70 – 148 – A	Lube Cube Aboveground Tank Vapor Recovery System	05/04/95
G – 70 – 150 – AE	Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07/12/00
G – 70 – 152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System	10/31/93
G – 70 – 153 – AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04/30/00
G – 70 – 154 – AA	Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06/10/97
G – 70 – 155	Petroleum Marketing Aboveground Tank Vapor Recovery System	03/12/94
G – 70 – 156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System	05/23/94
G – 70 – 157	Ecovault Aboveground Tank Balance Vapor Recovery System	05/23/94
G – 70 – 158 – A	Firesafe Aboveground Tank Vapor Recovery System	05/24/95
G – 70 – 159 – AB	Modification to the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System	07/17/95
G – 70 – 160	Above Ground Tank Vault Vapor Recovery System	11/09/94
G – 70 – 161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System	11/30/94
G – 70 – 162 – A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System	02/15/95
G – 70 – 163 – AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System	09/04/96

CARB ID	Description	Date
G – 70 – 164 – AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12/10/96
G – 70 – 165	Healy Vacuum Assist Phase II Vapor Recovery System	04/20/95
G – 70 – 167	EnviroVault Aboveground Tank Vapor Recovery System	01/09/96
G – 70 – 168	Bryant Fuel Systems Phase I Vapor Recovery System	10/15/95
G – 70 – 169 – AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08/11/97
G – 70 – 170	Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02/22/96
G – 70 – 175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04/18/96
G – 70 – 177 – AA	Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	06/22/00
G – 70 – 179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System	07/02/97
G – 70 – 180	Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04/17/97
G – 70 – 183 – AA	Language Correction in Existing Executive Order G-70-183 (Healy/Franklin System)	06/29/01
G – 70 – 186	Certification of the Healy Model 400 ORVR Vapor Recovery System	10/26/98
G – 70 – 187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09/13/99
G – 70 – 188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05/18/99
G – 70 – 190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System	10/08/99
G – 70 – 191	Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-1000 Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)	08/08/99
G – 70 – 191 – AA	Language Correction in Existing Executive Order G-70-191 (Healy Model 600 ORVR/800)	09/28/06
G – 70 – 192	Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	11/24/99
G – 70 – 193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	11/07/07
G – 70 – 194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System	05/11/00
G – 70 – 195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System	03/31/00
G – 70 – 196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12/30/00
G – 70 – 197	Synchrotek Fastflo 3 Phase II Vapor Recovery System	06/25/01
G – 70 – 198	Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06/04/01
G – 70 – 199 – AH	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01/23/02

CARB ID	Description	Date
G – 70 – 200	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04/22/02
G – 70 – 201	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04/22/02
G – 70 – 202	Oldcastle Aboveground Below – Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04/22/02
Approval Letter #07-08	Catlow Model CTMVA Cam Twist Breakaway	11/07/07
VR – 101 – B	Phil-Tite Phase I Enhanced Vapor Recovery System with Ball Float Overfill Prevention	07/12/02
VR – 102 – A	OPW Phase I Vapor Recovery System	10/10/02
VR-203-A	Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)	11/05/07
Approval Letter #09-02	Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems	06/01/09
TP-201.1E	Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10/08/03
CP-201	Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities	02/09/05
TP-201.3A	Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities	04/12/96
TP-201.4	Dynamic Back Pressure	07/03/02
TP-201.5	Air to Liquid Volume Ratio	02/01/01

Appendix A: Incorporation by Reference Information

Rule Section	Title	Dated	Obtain at:
Env-Or 504.09(a) and Env-Or 509.01(b)	CARB TP 201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10-03-2008	http://www.arb.ca.gov/testmeth/vol2/tp201.1e_Oct2003.pdf - no cost
Env-Or 504.10(a); Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP 201.3A Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities	04-12-96	http://www.arb.ca.gov/testmeth/vol2/tp201.3a_Apr1996.pdf - no cost
Env-Or 505.03(b) and Env-Or 509.01(a)	Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping	2009	http://pei.org/PublicationsResources/RecommendedPracticesExams/RP300/tabid/101/Default.aspx - purchase for $95.00.

Rule Section	Title	Dated	Obtain at:
Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP-201.4 Dynamic Back Pressure	07-03-2002	http://www.arb.ca.gov/testmeth/vol2/tp201.4_070302.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP-201.5 Air to Liquid Volume Ratio	02-01-2001	http://www.arb.ca.gov/testmeth/vol2/tp201_5.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-165 Certification of the Healy Vacuum Assist Phase II Vapor Recovery System with the Model 600 Nozzle	04-20-1995	http://www.arb.ca.gov/vapor/eos/eo-165/g70165.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-186 Certification of the Healy Model 400 ORVR Vapor Recovery System	10-26-1998	http://www.arb.ca.gov/vapor/eos/eo-186/g70186.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-187 Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09-13-1999	http://www.arb.ca.gov/vapor/above/g70187.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-191 Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-1000 Vapor Pump Phase II Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)	08-08-1999	http://www.arb.ca.gov/vapor/eos/eo-191/eo-191/191.pdf - no cost
Env-Or 509.01(b)	G – 70 – 2 – G Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09-18-1984	http://www.arb.ca.gov/vapor/eos/eo-2/2g.pdf - no cost
Env-Or 509.01(b)	G – 70 – 4 – A Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for underground Storage Tanks at Gasoline Service Stations	08-23-1977	http://www.arb.ca.gov/vapor/eos/eo-4/4a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 5 Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05-06-1993	http://www.arb.ca.gov/vapor/eos/g705.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 6 Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04-26-1977	http://www.arb.ca.gov/vapor/eos/g706.pdf - no cost
Env-Or 509.01(b)	G – 70 – 7 – AD Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03-22-1993	http://www.arb.ca.gov/vapor/eos/eo-7/7ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 8 Relating to the Certification of the Chevron Vapor Transfer System for Use on Delivery Tanks	07-13-1977	http://www.arb.ca.gov/vapor/eos/g708.pdf - no cost
Env-Or 509.01(b)	G – 70 – 9 – A Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tank Facilities with Throughputs less than 9,000 Gallons per Month	11-18-1977	http://www.arb.ca.gov/vapor/eos/eo-9/9a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 10 – A Relating to the Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11-18-1977	http://www.arb.ca.gov/vapor/eos/eo-10/10a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 14 – AA Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-14/14aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 17 – AD Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05-06-1993	http://www.arb.ca.gov/vapor/eos/eo-17/g7017ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 18 – C Relating to the Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery Systems	08-28-1979	http://www.arb.ca.gov/vapor/eos/eo-18/18c.pdf - no cost
Env-Or 509.01(b)	G – 70 – 20 Related to the Certification of the Texaco Phase I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08-21-1978	http://www.arb.ca.gov/vapor/eos/g7020.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 23 – AC Modification to the Certification of the Exxon Balance Phase II Vapor Recovery System	04-29-1996	http://www.arb.ca.gov/vapor/eos/eo-23/g7023ac.pdf - no cost
Env-Or 509.01(b)	G – 70 – 25 – AA Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-25/g7025aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 33 – AB Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03-09-1984	http://www.arb.ca.gov/vapor/eos/eo-33/33ab.pdf - no cost
Env-Or 509.01(b)	G – 70 – 34 – A Relating to the Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adapter for Military Delivery Tanks To Include The Parker Hannifin F428A	08-13-1979	http://www.arb.ca.gov/vapor/eos/eo-34/34a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 36 – AD Modification of Certification of the OPW Balance Phase II Vapor Recovery System	09-18-1992	http://www.arb.ca.gov/vapor/eos/eo-36/g7036ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 37 – B Relating to the Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01-22-1980	http://www.arb.ca.gov/vapor/eos/eo-37/37b.pdf - no cost
Env-Or 509.01(b)	G – 70 – 38 – AB Relating to Certification of the Texaco Balance Phase II Vapor Recovery System	12-19-1990	http://www.arb.ca.gov/vapor/eos/eo-38/38ab.pdf - no cost
Env-Or 509.01(b)	G – 70 – 47 – B Relating to the Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09-14-1984	http://www.arb.ca.gov/vapor/eos/eo-47/47b.pdf - no cost
Env-Or 509.01(b)	G – 70 – 48 – AA Recertification of the Mobil Oil Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-48/48aa.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 49 – AA Recertification of the Union Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-49/49aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 50 Relating to the Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12-05-1979	http://www.arb.ca.gov/vapor/eos/g7050.pdf - no cost
Env-Or 509.01(b)	G – 70 – 52 – AM Certification of Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery System	10-04-1991	http://www.arb.ca.gov/vapor/eos/eo-52/g7052am.pdf - no cost
Env-Or 509.01(b)	G – 70 – 53 – AA Recertification of the Chevron Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-53/53aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 70 – AC Modification of Certification of the Healy Phase II Vapor Recovery System for Gasoline Dispensing Facilities	06-23-1992	http://www.arb.ca.gov/vapor/eos/eo-70/g7070ac.pdf - no cost
Env-Or 509.01(b)	G – 70 – 77 Relating to the Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09-15-1982	http://www.arb.ca.gov/vapor/eos/g7077.pdf - no cost
Env-Or 509.01(b)	G – 70 – 78 Certification of E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Nozzle Components	05-20-1983	http://www.arb.ca.gov/vapor/eos/g7078.pdf - no cost
Env-Or 509.01(b)	G-70-97-A Stage I Vapor Recovery Systems for Underground Gasoline Storage Tanks at Service Stations	12-09-1985	http://www.arb.ca.gov/vapor/eos/eo-97/97a.pdf - no cost
Env-Or 509.01(b)	G-70-101-B Certification of E-Z Flo Model 3006 and Model 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11-15-1985	http://www.arb.ca.gov/vapor/eos/eo-101/101b.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-102-A Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05-25-1993	http://www.arb.ca.gov/vapor/above/g70102a.pdf - no cost
Env-Or 509.01(b)	G-70-106 Relating to the Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01-27-1986	http://www.arb.ca.gov/vapor/eos/g70106.pdf - no cost
Env-Or 509.01(b)	G-70-107 Certification of Rainbow Petroleum Products Model RA3003, RA3005, RA3006 and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05-15-1986	http://www.arb.ca.gov/vapor/eos/g70107.pdf - no cost
Env-Or 509.01(b)	G-70-110 Certification of Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities	01-20-1987	http://www.arb.ca.gov/vapor/eos/g70110.pdf - no cost
Env-Or 509.01(b)	G-70-116-F Certification of ConVault, Inc. Aboveground Filling/Dispensing Vapor Recovery System	11-30-1995	http://www.arb.ca.gov/vapor/above/g70116f.pdf - no cost
Env-Or 509.01(b)	G-70-118-AB Modification to the Certification of the Amoco Oil Company V-1 Bootless Nozzle Vapor Recovery System	03-31-1995	http://www.arb.ca.gov/vapor/eos/eo-118/eo-118ab/g70118ab.pdf - no cost
Env-Or 509.01(b)	G-70-125-AA Modification to the Certification of the Phase II Vapor Recovery Nozzles	03-16-1993	http://www.arb.ca.gov/vapor/eos/eo-125/125aa.pdf - no cost
Env-Or 509.01(b)	G-70-127 Certification of the OPW Model 111-V Phase II Balance Vapor Recovery Nozzle	08-16-1990	http://www.arb.ca.gov/vapor/eos/g70127.pdf - no cost
Env-Or 509.01(b)	G-70-128 Certification of Bryant Fuel Systems Aboveground Tank Filling/Dispensing Vapor Recovery System	08-27-1990	http://www.arb.ca.gov/vapor/above/g70128.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-130-A Certification of Sannipoli Corporation Petro Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	02-26-1993	http://www.arb.ca.gov/vapor/above/g70130a.pdf - no cost
Env-Or 509.01(b)	G-70-131-A Certification of Hallmark Industries Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	03-17-1992	http://www.arb.ca.gov/vapor/above/g70131a.pdf - no cost
Env-Or 509.01(b)	G-70-132-A Certification of Trusco Tank, Inc., Supervault Aboveground Tank Filling/Dispensing Vapor Recovery System	12-04-1992	http://www.arb.ca.gov/vapor/above/g70132a.pdf - no cost
Env-Or 509.01(b)	G-70-132-B Certification of Trusco Tank, Incorporated Supervault Aboveground Filling/Dispensing Vapor Recovery System	05-16-1995	http://www.arb.ca.gov/vapor/above/g70132b.pdf - no cost
Env-Or 509.01(b)	G-70-134 Certification of the EZ-flo Rebuilt A4000-Series and 11V-Series Vapor Recovery Nozzles	12-21-1990	http://www.arb.ca.gov/vapor/eos/g70134.pdf - no cost
Env-Or 509.01(b)	G-70-136 Certification of Ned Pepper, Incorporated FireSafe Aboveground Tank Filling/Dispensing Vapor Recovery System	04-15-1991	http://www.arb.ca.gov/vapor/above/g70136.pdf - no cost
Env-Or 509.01(b)	G-70-137 Certification of Ace Tank & Equipment Company Aboveground Tank Filling/Dispensing Vapor Recovery System "FuelSafe"	10-04-1991	http://www.arb.ca.gov/vapor/above/g70137.pdf - no cost
Env-Or 509.01(b)	G-70-139 Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03-17-1992	http://www.arb.ca.gov/vapor/g70139.pdf - no cost
Env-Or 509.01(b)	G-70-140-A Certification of Integral Phase I and Phase II Aboveground Tank Configurations Using the Healy Phase II Vapor Recovery System	07-01-1992	http://www.arb.ca.gov/vapor/above/g70140a.pdf - no cost
Env-Or 509.01(b)	G-70-142-B Certification of a Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09-09-1994	http://www.arb.ca.gov/vapor/above/142b-legal.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-143 Certification of Teichert Precast P/T Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	08-07-1992	http://www.arb.ca.gov/vapor/above/g70143.pdf - no cost
Env-Or 509.01(b)	G-70-147-A Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07-11-1996	http://www.arb.ca.gov/vapor/eos/eo-147/147a.pdf - no cost
Env-Or 509.01(b)	G-70-148-A Certification of Hoover Containment Systems, Inc. Lube Cube Aboveground Tank Filling/Dispensing Vapor Recovery System	05-04-1995	http://www.arb.ca.gov/vapor/above/g70148a.pdf - no cost
Env-Or 509.01(b)	G-70-150-AE Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07-12-2000	http://www.arb.ca.gov/vapor/eos/eo-150/eo-150ae/150ae-all.pdf - no cost
Env-Or 509.01(b)	G-70-152 Certification of Moiser Brothers Tanks and Manufacturing Protected Aboveground Gasoline Tank Filling/Dispensing Vapor Recovery System	10-31-1993	http://www.arb.ca.gov/vapor/above/g70152.pdf - no cost
Env-Or 509.01(b)	G-70-153-AD Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04-03-2000	http://www.arb.ca.gov/vapor/eos/eo-153/eo-153ad/153ad-all.pdf - no cost
Env-Or 509.01(b)	G-70-154-AA Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06-10-1997	http://www.arb.ca.gov/vapor/eos/eo-154/eo-154aa/g70154aa.pdf - no cost
Env-Or 509.01(b)	G-70-155 Certification of Petroleum Marketing Services' Aboveground Tank Filling & Dispensing Vapor Recovery Systems	03-12-1994	http://www.arb.ca.gov/vapor/above/g70155.pdf - no cost
Env-Or 509.01(b)	G-70-156 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Vacuum Assist Vapor Recovery System	05-23-1994	http://www.arb.ca.gov/vapor/above/g70156.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-157 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Balance Vapor Recovery System	05-23-1994	http://www.arb.ca.gov/vapor/above/g70157.pdf - no cost
Env-Or 509.01(b)	G-70-158-A Certification of San Luis Tank Piping Construction Co., Inc. Firesafe Aboveground Filling/Dispensing Vapor Recovery System	03-24-1995	http://www.arb.ca.gov/vapor/above/g70158a.pdf - no cost
Env-Or 509.01(b)	G-70-159-AB Modification to the Certification of the Saber Nozzle for Use with Specified Phase II Vapor Recovery Systems	07-17-1995	http://www.arb.ca.gov/vapor/eos/eo-159/159ab.pdf - no cost
Env-Or 509.01(b)	G-70-160 Certification of Above Ground Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	11-09-1994	http://www.arb.ca.gov/vapor/above/g70160.pdf - no cost
Env-Or 509.01(b)	G-70-161 Certification of Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Filling/Dispensing Vapor Recovery System	11-30-1994	http://www.arb.ca.gov/vapor/above/g70161.pdf - no cost
Env-Or 509.01(b)	G-70-162-A Certification of Steel Tank Institute Fireguard Aboveground Tank Filling/Dispensing Vapor Recovery System	03-02-1998	http://www.arb.ca.gov/vapor/above/162-a-legal.pdf - no cost
Env-Or 509.01(b)	G-70-163-AA Modification to the Certification of the OPW VaporEZ Phase II Vapor Recovery System	09-04-1996	http://www.arb.ca.gov/vapor/eos/eo-163/163aa.pdf - no cost
Env-Or 509.01(b)	G-70-164-AA Modification to Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12-10-1996	http://www.arb.ca.gov/vapor/eos/eo-164/164aa.pdf - no cost
Env-Or 509.01(b)	G-70-167 Certification of Bakersfield Tank Company Enviro-Vault Aboveground Filling/Dispensing Vapor Recovery System	01-09-1996	http://www.arb.ca.gov/vapor/above/g70167.pdf - no cost
Env-Or 509.01(b)	G-70-168 Bryant Fuel Systems Phase I Vapor Recovery Systems	10-15-1995	http://www.arb.ca.gov/vapor/above/g70168.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-169-AA Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08-11-1997	http://www.arb.ca.gov/vapor/eos/eo-169/169aa.pdf - no cost
Env-Or 509.01(b)	G-70-170 Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02-22-1996	http://www.arb.ca.gov/vapor/eos/g70170.pdf - no cost
Env-Or 509.01(b)	G-70-175 Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04-18-1996	http://www.arb.ca.gov/vapor/above/g70175.pdf - no cost
Env-Or 509.01(b)	G-70-177-AA Modification of the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	12-09-1999	http://www.arb.ca.gov/vapor/eos/eo-177/eo-177aa/177aa-all.pdf - no cost
Env-Or 509.01(b)	G-70-179 Certification of the Catlow ICVN-VI Vacuum Assist Phase II Vapor Recovery System	07-02-1997	http://www.arb.ca.gov/vapor/eos/eo-179/g70179.pdf - no cost
Env-Or 509.01(b)	G-70-180 Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04-17-1997	http://www.arb.ca.gov/vapor/eos/g70180.pdf - no cost
Env-Or 509.01(b)	G-70-183-AA Relating to Language Correction in Existing Executive Order G-70-183 (Healy Systems, Inc.)	06-29-2001	http://www.arb.ca.gov/vapor/eos/eo-183/eo-183aa/183aa.pdf - no cost
Env-Or 509.01(b)	G-70-188 Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05-18-1999	http://www.arb.ca.gov/vapor/eos/eo-188/g70188.pdf - no cost
Env-Or 509.01(b)	G-70-190 Certification of Guardian Containment, Corporation Armor Cast Aboveground Tank Filling/Dispensing Vapor Recovery System	10-08-1999	http://www.arb.ca.gov/vapor/above/g70190.pdf - no cost
Env-Or 509.01(b)	G-70-191-AA Relating to Language Correction in Existing Executive Order G-70-191 (Healy Systems, Inc.)	07-30-2001	http://www.arb.ca.gov/vapor/eos/eo-191/eo-191aa/191aa.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-192 Certification of the Healy Model 400 ORVR Nozzle for Existing Aboveground Storage Tank Systems	11-24-1999	http://www.arb.ca.gov/vapor/above/g70192.pdf - no cost
Env-Or 509.01(b)	G-70-193 Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	12-09-1999	http://www.arb.ca.gov/vapor/above/g70193all.pdf - no cost
Env-Or 509.01(b)	G-70-194 Certification of Containment Solutions Rectangular and Cylindrical Hoover Vault Aboveground Tank Filling/Dispensing Vapor Recovery Systems	05-11-2000	http://www.arb.ca.gov/vapor/above/g70194.pdf - no cost
Env-Or 509.01(b)	G-70-195 Certification of The Cretex Companies, Inc FuelVault Aboveground Tank Filling/Dispensing Vapor Recovery System	03-31-2000	http://www.arb.ca.gov/vapor/above/g70195.pdf - no cost
Env-Or 509.01(b)	G-70-196 Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12-30-2000	http://www.arb.ca.gov/vapor/eos/eo-196/196-all.pdf - no cost
Env-Or 509.01(b)	G-70-197 Certification of the Synchrotek Fastflo 3 Phase II Vapor Recovery System	06-25-2001	http://www.arb.ca.gov/vapor/above/g70197.pdf - no cost
Env-Or 509.01(b)	G-70-198 Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06-04-2001	http://www.arb.ca.gov/vapor/eos/eo-198/eo-198.pdf - no cost
Env-Or 509.01(b)	G-70-199-AH Relating to Certification of Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01-23-2002	http://www.arb.ca.gov/vapor/eos/eo-199/eo-199ah.pdf - no cost
Env-Or 509.01(b)	G-70-200 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70200.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-201 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70201.pdf - no cost
Env-Or 509.01(b)	G-70-202 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70202.pdf - no cost
Env-Or 509.01(b)	VR-101-B Phil-Tite Phase I Vapor Recovery System With Ball Float Overfill Prevention	07-12-2002	http://www.arb.ca.gov/vapor/eos/eo-vr101/eo-vr101b/vr101b.pdf - no cost
Env-Or 509.01(b)	VR-102-A OPW Phase I Vapor Recovery System	10-10-2002	http://www.arb.ca.gov/vapor/eos/eo-vr102/eo-vr102a/vr102a_final.pdf - no cost
Env-Or 509.01(b)	VR-203-A Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)	11-05-2007	http://www.arb.ca.gov/vapor/eos/eo-vr203/eo-vr203a/vr203a.pdf - no cost
Env-Or 509.01(b)	Approval Letter #07-08 Catlow Model CTMVA Cam Twist Breakaway	11-07-2007	http://www.arb.ca.gov/vapor/approval/cal-07/07-08.pdf - no cost
Env-Or 509.01(b)	Approval Letter #09-02 Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems	06-01-2009	http://www.arb.ca.gov/vapor/approval/cal-09/09-02.pdf - no cost
Env-Or 509.01(b)	CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities	02-09-2005	http://www.arb.ca.gov/testmeth/vol2/cp201_feb2005.pdf - no cost

Appendix B: State and Federal Statutes Implemented

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Appendix C: Definitions from State Statutes and Federal Rules

RSA 125-C:2, II: "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

RSA 125-C:2, VIII: "Emission" means a release into the outdoor air of air contaminants.

40 CFR §63.11132: "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

40 CFR §51.100: "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect."

Appendix D: PV Vent Cap Pressure and Vacuum Requirements in effect immediately prior to the 2012 effective date of this chapter

Env-Wm 1404.06 Stage I Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an underground gasoline storage tank as follows:

(1) For pressure, 13.8 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 0.9 inches water column vacuum (0.5 oz/in^2).

(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:

(1) For pressure, the lower of the following two values:

a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or

b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in^2).

Env-Wm 1404.18 Stage II Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install a stage II system with a PV vent cap setting as follows:

(1) For pressure, 3.0 inches water column pressure (1.7 oz/in^2); and

(2) For vacuum, 8.0 inches water column vacuum (4.6 oz/in^2).

The State of New Hampshire
Department of Environmental Services
Thomas S. Burack, Commissioner

Celebrating 25 Years of Protecting New Hampshire's Environment

November 9, 2012

Jill K. Sieveking, Acting Director
c/o OLS, Division of Administrative Rules
State House Annex, Room 219
Concord, NH 03301

Re: Authorization for Use of Electronic Signature

Dear Director Sieveking:

I hereby certify that:

1. I authorized Barbara Hoffman to apply my electronic signature to the Incorporation by Reference ("IBR") Statements filed electronically with FP 2012-111;

2. This authorization extended only to affixing my electronic signature to the IBR Statements; I did not delegate to Ms. Hoffman the authority to make any decision or certification that I must make as required by RSA 54 I-A or the Manual pursuant to RSA 54 I-A: 8; and

3. You, the Administrative Rules office, and the Joint Legislative Committee on Administrative Rules may rely upon my electronic signature on the IBR Statements filed with FP 2012-111 as if it were the original for all purposes under RSA 54l-A and the Manual.

Sincerely,

Thomas S. Burack
Commissioner

cc: Gretchen Hamel, Legal Unit Administrator

The State of New Hampshire
Department of Environm ntal Servic s
Thomas S. Burack, Commissioner

Celebrating 25 Years of Protecting New Hampshire's Environment

November 9, 2012

Jill K. Sieveking, Acting Director
c/o OLS, Division of Administrative Rules
State House Annex, Room 219
Concord, NH 03301

Re: Use of Electronic Signature

Dear Director Sieveking:

I hereby certify that I applied Commissioner Burack's electronic signature to the Incorporation by Reference Statements filed electronically with FP 2012-111. Please accept my signature below as a countersignature for each of the Incorporation by Reference Statements.

Sincerely,

Barbara Hoffman
SIP Development Manager
Air Resources Division

cc: Gretchen Hamel, Legal Unit Administrator

ANNOTATIONS TO THE FINAL PROPOSAL FROM THE OFFICE OF LEGISLATIVE SERVICES

NOV 01 2012 11/9 consent nm Final Proposal No. 2012-111

Date Filed 11-2-12

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2012-111 Rule Number Env-Or 500 (currently Env-Wm 1404)

1. Agency Name & Address:

NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

See separate editorial comment just before the first page of the rule.

2. RSA Authority: RSA 125-C:4, I(a)

3. Federal Authority: 42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

4. Type of Action:
- ☐ Adoption
- ☐ Amendment
- ☐ Repeal
- ☐ Readoption
- ☒ Readoption w/amendment

5. Short Title: Recovery of Gasoline Vapors

6. Contact person for copies and questions:

Name: Michael W. Juranty, P.E. Title: Supervisor, Oil Compliance Section

Address: NH Dept. of Environmental Services, 29 Hazen Drive; P.O. Box 95, Concord, NH 03302-0095 Phone #: (603) 271-6058

7. Yes ☐ No ☒ Agency requests Committee legal counsel review and delayed Committee review pursuant to RSA 541-A:12, I-a

8. The rulemaking notice appeared in the Rulemaking Register on **August 16, 2012.**

9. Yes ☐ N/A ☒ Agency notified policy committees, or House Speaker and Senate President, pursuant to RSA 541-A:10, I, because this is the first time this rule or its amendments have been proposed to implement newly-enacted state authority.

SEE THE INSTRUCTIONS--PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET AND 2 COPIES OF THE FOLLOWING:
(and numbered correspondingly)

10. The "Final Proposal-Fixed Text", including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

11. Yes ☒ N/A ☐ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text" indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(e).

13. Yes ☐ N/A ☒ The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

LBAO
FIS 12:109
08/06/12

Fiscal Impact Statement for Department of Environmental Services rules governing Recovery of Gasoline Vapors. [Env-Or 500 (currently Env-Wm 1404)]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs for state citizens, political subdivisions, and independently owned businesses to the extent they own and/or operate gasoline dispensing facilities.

2. Cite the Federal mandate. Identify the impact on state funds:

42 U.S.C 7511a (b) (3) requires states with moderate ozone nonattainment areas to require all owners or operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles. Additionally, 42 U.S.C. 7511c created the Ozone Transport Region, which New Hampshire is a part of, and requires states in the Ozone Transport Region to adopt Reasonably Available Control Technology for volatile organic compounds (VOC) emissions after the EPA issues appropriate guidance. The EPA has issued guidance for gasoline vapor recovery, and as a result New Hampshire is required to adopt Stage I requirements. The EPA also adopted a National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities at 40 CFR 63, subpart CCCCCC. There is no impact on state funds.

3. Cost and benefits of the proposed rule(s):

To the extent a state citizen or independently owned business own gasoline dispensing facilities, they may have minimal costs associated with reporting to the Department within 30 days of attaining threshold for stage I regulation, reporting annually any stage I facility in any county that meets or exceeds threshold for once-every-3-year testing, and the requirement to repair a dry break adaptor that is not a swivel type with a swivel type adapter. The Department indicates owners/operators are able to submit required reports to the Department via email, which may result in costs of reporting being de minimus. The Department also indicates the cost of a non-swivel adapter is $90 and the cost of a swivel adapter is $200, increasing the cost by $110. The Department has no information on how frequently adapters need to be replaced but estimates it is infrequently. Political subdivisions that own gasoline dispensing facilities are exempted by the rules from the non-federal requirements that would impose costs other than the minimal costs of notifying the Department if certain regulatory thresholds are met.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

See 3 above.

C. To Independently owned businesses:

See 3 above.

NOV 01 2012

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STATE OF NEW HAMPSHIRE

DATE November 1, 2012

FROM Thomas S. Burack
Commissioner

AT (OFFICE) DES

SUBJECT Final Proposal #2012-111

TO Office of Legislative Services
Division of Administrative Rules

In accordance with RSA 541-A:12, enclosed please find the Final Proposal Cover Sheet with attachments, including the corresponding rules, for the following:

Env-Or 500: Recovery of Gasoline Vapors

If you have any questions, please contact Gretchen Hamel at 271-3137.

Enclosures

cc: Gretchen Hamel, Administrator, DES Legal Unit

ec: Michael W. Juranty, P.E., Supervisor, Oil Compliance Section
Barbara Hoffman, SIP Planning Manager

The State of New Hampshire
Department of Environmental Services
Thomas S. Burack, Commissioner
Celebrating 25 Years of Protecting New Hampshire's Environment

FP 2012-111, Env-Or 500 Recovery of Gasoline Vapors
Summary of Comments on Initial Proposal with DES Responses
October 31, 2012

Introduction

The existing rules, Env-Wm 1404, regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The rules were due to expire on August 21, 2012, and were proposed to be readopted with amendment so as to continue the vapor recovery program. The amendments are primarily intended to (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217; and (4) redesignate the rules into the Env-Or (Oil and Remediation) subtitle. Some additional recordkeeping, reporting, and testing requirements also were proposed.

DES received written comments on the Initial Proposal from the U.S. Environmental Protection Agency (EPA), the Office of Legislative Services/Administrative Rules (OLS), the Independent Oil Marketers Association of New England (IOMA), Arid Technologies, Inc., and Crompco, LLC. The comments and DES responses thereto are summarized below.

From EPA:

Env-Or 502 - Definitions

EPA Comment #1: The definition of "Reid Vapor Pressure" should not be removed since the term is referenced in the definition of "Gasoline."

DES Response: DES had proposed deleting this definition since it is a common, well-defined term. To avoid any confusion, DES has reinserted the definition in the final proposed rule.

Env-Or 503.03(a)

EPA Comment #2: DES should amend this section to require facilities to "record daily gasoline throughput."

DES Response: DES agrees that, to determine throughput per rolling 30-day period, daily throughput records are needed. DES has made the requested change in the final proposed rule.

Env-Or 504.05 and other sections referencing "political subdivisions"

EPA Comment #3: DES may want to define "political subdivisions" as the term is used here and throughout the chapter.

DES Response: The term is defined and used frequently in New Hampshire statutes, so defining it here would be duplicative.

Env-A 504.11(e)

EPA Comment #4: This subsection requires a gas dispensing facility (GDF) to perform certain tests if monthly throughput exceeds 100,000 gallons. Consistent with the National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline vapors at 40 CFR Part 63, Subpart CCCCCC, DES should add a requirement that the GDF will remain subject to the testing requirement even if the monthly throughput later falls below that threshold.

DES Response: DES agrees and has added the requirement to the final proposed rule.

Env-Or 504.07(a)(1) testing based on monthly throughput

EPA Comment #5: DES should require sources to calculate monthly throughput consistent with the NESHAP definition for "monthly throughput," which is: ". . . [T]he total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

DES Response: DES agrees and has added the definition to Env-Or 502 in the final proposed rule.

Env-Or 504.10 static pressure test

EPA Comment #6: The static pressure test required by DES, CARB's TP-201.3 at 10" water column ("WC"), is different from the test required by the GDF NESHAP, CARB's TP-201.3 at 2" WC, amended March 17, 1999. A GDF subject to the NESHAP will be required to conduct both tests unless DES changes its test or requests EPA approval of an alternative test.

DES Response: Although both the current rules and the IP specify that a pressure decay test shall be performed in accordance with CARB TP-201.3 as amended March 17, 1999, performed at 10" WC, this is in fact an erroneous citation. The correct citation is CARB TP-201.3A, adopted April 12, 1996, performed at 10" WC. DES has corrected the citation in the final proposed rule and intends to submit a request for EPA to approve such test as an alternative to CARB TP-201.3 as cited by NESHAP. See also responses to IOMA comment #3 and Crompco comment #4, below.

Env-Or 506.04(b) and Env-Or 507.07(b) recordkeeping

*EPA Comment # 7: Env-Or 506.04(b) should be revised to read: "Provide the following records to the department **and/or EPA** upon request . . ." Env-Or 507.07(b) should be revised to read: ". . .shall provide the documents listed in (a), above, to the department **and/or EPA** for inspection and copying upon request."*

DES Response: Since these rules will be submitted to EPA as a revision to the State Implementation Plan (SIP), which EPA will incorporate by reference into federal rules, DES believes that adding this language will reflect that EPA will have the authority to request these records. Adding the language will alert the GDFs of this as well. However, the construction "and/or" is not allowed under New Hampshire rule drafting requirements, so an alternate construction has been used.

Env-Or 508 waivers

*EPA Comment #8: Since the definition of "applicant" has been removed from the rule, Env-Or 508.02(b)(7) should read: "A full explanation of why the ~~applicant~~ **requestor** believes that having the waiver . . ."*

DES Response: DES agrees and has made the change in the final proposed rule.

EPA Comment #9: The rule should specify that waivers must be approved by both DES and EPA.

DES Response: Env-Or 508.03(c) reads: "No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted." DES believes that this provision ensures that EPA has a say in whether a waiver is granted by DES. To clarify that DES

will notify EPA of waiver requests received pursuant to this part, DES has added paragraph (e) to Env-Or 508.02 in the final proposed rule, which requires DES to transmit a copy of the waiver request to EPA within 5 working days of receipt.

SIP Requirements

EPA Comment #10: The adopted rule should be submitted to EPA as a SIP revision, and the submittal should discuss "anti-backsliding" and "comparable measures" as required by the Clean Air Act and as implemented by EPA to demonstrate why the submittal should be approved.

DES Response: DES intends to submit the rule as a SIP revision and address those concepts associated with the phase-out of the Stage II program.

From IOMA:

Env-Or 504.04 and Env-Or 504.05 maintenance inspections

IOMA Comment #1: DES should allow compliance with RSA 146-C:19 to satisfy the monthly inspection requirements of Env-Or 504.04.

DES Response: RSA 146-C:19, II, provides detailed requirements for monthly visual inspections of underground storage facilities. These requirements are very similar to those in Env-Or 504.04. DES has been telling owners and operators that keeping track of the monthly inspections on the form provided for RSA 146-C:19, II will suffice as documentation for the monthly inspections conducted pursuant to Env-Wm 1404. The same will be true for Env-Or 500. We can state this as such on the form.

Env-Or 504.06 Cleaning threads on pipes

IOMA Comment #2: DES should eliminate the annual requirement to remove the adaptor and riser caps and clean the threads. Facility owners check these caps for tightness 12 times per year and address any problems found then. IOMA believes this requirement is unnecessary and costly.

DES Response: DES agrees that monthly inspections should catch tightness issues, but retained this requirement partly so that caps would be easier to remove for tests that are required every 3 years. However, since an owner/operator can best decide how to handle cap removal, DES has deleted this requirement from the final proposed rule.

Env-Or 504.08 [*sic*] and Env-Or 505.03 pressure decay testing

IOMA Comment #3: IOMA understands that this is a federal requirement and, thus, drops its opposition to pressure decay testing and suggests that DES provide outreach to newly affected facilities. Additionally, IOMA supports a 2" WC test as opposed to the DES 10" WC test, because the latter puts more stress on the system.

DES Response: Field experience has shown that the CARB 201.3A at 10" WC test significantly improves an inspector's ability to discover tank top leaks over the CARB 201.3 test. The 10" WC (0.36 pounds per square inch) is within the pressure tolerance of tank systems, approximates the industry standard "1.5 times the operating pressure" for tightness tests, and is less than the current maximum operating pressure (13.8" WC) for Stage I systems. Therefore, DES does not believe that the 10" WC puts undue stress on the system. Finally, the 2" WC test (CARB 203.1) requires removal of fill caps during testing to check vapor tightness of overfill protection flapper valves and fill drop tubes. DES and industry are aware that such testing in New Hampshire would result in owners/ operators having to replace existing flapper valves and fill drop tubes with expensive CARB approved devices (approximately $1,200 per tank system). Since DES inspectors regularly remove those components for visual confirmation of functionality and those devices are isolated from the environment, DES does not believe that the CARB 203.1 test is ultimately appropriate for New Hampshire. See also responses to EPA comment #6, above, and Crompco comment #4, below.

Env-Or 506.04 recordkeeping

IOMA Comment #4: DES should allow records to be kept in a central location rather than on site. IOMA believes that environmental records would be safer at a corporate office than at the GDF.

DES Response: DES wants the records to be safe but also available during DES or EPA inspections. DES has revised the language to require the records to be "available during a department or EPA inspection" in the final proposed rule.

From Arid Technologies, Inc.:

Env-Or 505.02 Stage II exemptions

Comment: DES should not allow the removal of Stage II vapor recovery equipment because it will increase emissions to the environment and accelerate health risks for motorists, GDF employees and members of the Community.

DES Response: DES is eliminating Stage II requirements in accordance with EPA findings and guidance with respect to the widespread use of onboard refueling vapor recovery (ORVR) systems and has determined that appropriate emissions reduction measures and protections are in place to ensure public health, such as the federal NESHAP rule 40 CFR 63 Subpart CCCCCC promulgated in 2008 and the 2007 Control of Hazardous Pollutants from Mobile Sources, 40 CFR 80, 85, and 86, known collectively as the Mobile Source Air Toxics (MSAT) rule, and New Hampshire Code of Admin. Rules Env-A 1400 regarding Regulated Toxic Air Pollutants.

From Crompco:

Env-Or 505.11(e) vapor release notification

Crompco Comment #1: The rule requires DES to be notified within 24 hours of a test failure if vapor is released to the environment. DES should give the owner/operator more time to investigate and repair the system before notifying DES.

DES Response: The reason for providing notice within 24 hours of a vapor release is for DES and local fire departments to assess and be responsive to any fire hazard or soil/ground water contamination created by the release. DES did not make a change in the final proposed rule as a result of this comment.

Env-Or 506.04 recordkeeping

Crompco Comment #2: DES should change the requirement for records to be retained on site to requiring that they be "readily available" electronically or otherwise.

DES Response: See response to IOMA comment #4, above.

Env-Or 505.12(b) calibration of gasoline measuring devices

Crompco Comment #3: DES should not require that gasoline dispensers be calibrated prior to Stage II testing, as the potential variance of a dispenser that is out of tolerance is so negligible for testing purposes.

DES Response: Gasoline dispensers are required to be calibrated after installation to insure that consumers are receiving the amount of gasoline for which they are paying. This rule does not require that they be calibrated prior to each test, only that they have been calibrated before the first test. DES did not make a change in the final proposed rule as a result of this comment.

Env-Or 504.08 and Env-Or 505.03 pressure decay testing

Crompco Comment #4: DES should require that the pressure decay test be conducted at 2" water column pressure instead of 10. Crompco believes that testing at 10" causes more vapors to be released, that it would not find more leaks, and that it is inconsistent with the GDF NESHAP test requirements.

DES Response: DES agrees that there is a tradeoff between the 2" WC and the 10" WC test. The 10" WC test results in a one time vapor release upon termination of the test at a safe height greater than 12'

above the ground surface (per fire code requirements). The 2" WC test can result in undetected tank top fittings that continuously leak vapors at or below the ground surface, and that release liquid product in the event of overfills. See also responses to EPA comment #6 and IOMA comment #3.

From OLS:

Env-Or 504.02(c); Env-Or 504.11(d), (e); Env-Or 505.04(c)

OLS Comment #1: It is unclear what "effective date of this chapter" means.

DES Response: Because this chapter (Env-Or 500) has not previously existed, DES had not thought it necessary to include the year. However, DES has added "2012" where noted to eliminate any confusion about which effective date is intended.

Env-Or 506.03 Vapor recovery notification (VRN) forms

OLS Comment #2: It is unclear who must supply the information required on the forms.

DES Response: The prior section, Env-Or 506.02, requires the owner or operator of the GDF to submit the VRN form; Env-Or 506.03 then specifies what information needs to be included on the form. A cross-reference to Env-Or 506.02 has been added to clarify this.

11/9/2012

EDITORIAL ANNOTATION TO FINAL PROPOSAL 2012-111

Env-Or 500 Recovery of Gasoline Vapors

Pursuant to RSA 541-A:12, IV, any incorporation by reference statement (IRS) must include a statement signed by the adopting authority. For the Department of Environmental Services (DES), the adopting authority is the Commissioner. In the case of the 100 plus IRSs filed with FP 2012-111 (several of which are attached as representative examples), all of them appear to be signed through the use of a computer-generated facsimile signature. This is specifically permitted under § 1.7 of Ch. 3 of the *Manual*, if 2 conditions are met.

The first condition for the use of a computer-generated facsimile signature is the filing of a letter with the Director of Legislative Services authorizing an individual within DES to use the facsimile signature. The second condition is that the document filed with an electronic signature be countersigned with the delegee's own original signature. To date, these conditions have not been satisfied. However, this can be corrected editorially as far as FP 2012-111 is concerned.

As noted above, the first condition can be satisfied by the filing of an authorization letter signed by the Commissioner. As to the second condition, given that the IRSs have already been filed, the sheer number of them, and that the Commissioner signed a cover memo regarding the final proposal, it appears that the purpose of § 1.7 of Ch. 3 of the *Manual* can be met if the Commissioner's delegee files a separate letter indicating that he or she affixed the Commissioner's computer-generated signature to each IRS as authorized by the Commissioner.

Electronic signatures, pursuant to § 7.3 of Ch. 3 of the *Manual*, are also permitted for agencies like DES who file rules electronically, but DES does not use that option at this time.

1.6 Computer-Generated Copies of Forms from the Administrative Rules Office and the LBA.

For rulemaking under Parts 2, 3, and 4 below, your agency may use a computer-generated hard copy of the required forms of the Administrative Rules office and the Office of Legislative Budget Assistant (LBA) required in Appendix II, provided that the copy:

- Is of letter quality; and
- Is identical to the corresponding form in Appendix II including the page size and the wording, numbering, and arrangement of items but excluding the word "Appendix" and the form number. Special notice as to the kind of assistance available for disabled members of the public in a rulemaking hearing, such as sign language interpreters, may be included in rulemaking notices submitted for publishing in the *Rulemaking Register*.

Upon request, the Administrative Rules office can provide the forms on diskette or by e-mail.

The copy of the "Rulemaking Notice Form" (Appendix II-C) may be less than 2 pages in length but the resulting copy must be readable. The copy may be more than 2 pages in length if necessary to adequately address the items on the form.

1.7 Signatures on Documents Filed with the Administrative Rules Office.

Various agency rulemaking documents as identified in this *Manual* and filed with the Administrative Rules office must be signed by the individual, or a member of the group of individuals, with rulemaking authority. See 4.2 in Chapter 2 for signatures when filing a declaratory ruling. See Part 7 of this chapter for requirements regarding electronic filing of signed documents and the use of electronic signatures in place of original, handwritten signatures.

For signed documents filed in paper to be accepted, the signature must be an original signature, but a computer-generated facsimile signature is acceptable instead if:

- The agency has already filed with the Director an authorization letter on agency letterhead, with the wording and format below, signed with an original signature by the individual whose facsimile signature will be used; and
- Any documents subsequently filed with the facsimile signature are countersigned with an original signature of the person authorized in the certification letter to affix the facsimile signature.

For documents filed electronically to be accepted with an electronic signature, the signature must be affixed onto the document by the person whose signature is represented, but delegated use of the electronic signature is acceptable instead if:

- The agency has already filed with the Director an authorization letter on agency letterhead, with the wording and format below, signed with an electronic signature affixed by the individual whose electronic signature may be delegated; and
- Any electronic documents subsequently filed with the delegated electronic signature are countersigned with the electronic signature of the delegee authorized in the certification letter to affix the delegated electronic signature.

2

SIGNATURE AUTHORIZATION LETTER—REQUIRED ELEMENTS AND FORMAT

Director
Office of Legislative Services
c/o Administrative Rules
25 Capitol Street
State House Annex, Room 219
Concord, New Hampshire 03301-6312

Dear Director:

I hereby certify that:

1. I have authorized _____ as the only person in this agency with authority and control to affix [FOR PAPER FILING: "a computer-generated facsimile of my signature to documents filed in paper"] [FOR ELECTRONIC FILING: "my electronic signature for documents filed electronically"] in the Office of Legislative Services, Administrative Rules, as described in Section 1.7 of Chapter 3 in the *New Hampshire Drafting and Procedure Manual for Administrative Rules*;

2. This authorization extends only to affixing [FOR PAPER FILING: "the computer-generated facsimile signature"] [FOR ELECTRONIC FILING: "my electronic signature"]. I have not delegated to this person the authority to make any decision or certification that I must make as required by RSA 541-A or the *Manual* pursuant to RSA 541-A:8; and

3. You, the Administrative Rules office, and the Joint Legislative Committee on Administrative Rules may rely upon [FOR PAPER FILING: "this computer-generated facsimile signature"] [FOR ELECTRONIC FILING: "my electronic signature"] as if it were the original for all purposes under RSA 541-A and the *Manual.*

Sincerely,

NOTE:

Some individuals whose facsimile or electronic signature will be used might have rulemaking authority **and** also be a member of a group with rulemaking authority. If that is the case, and the individual would like the authorization to apply to his or her signature given for more than one agency, then:

- Different letters with different letterheads must be used for each agency authorization; and
- The words "**this** agency" in #1 above must be amended to identify the agency if the authorized individual does not work in the agency given in the letterhead.

7.3 Electronic Signatures.

Pursuant to RSA 541-A:1, V-a, for an electronic document "a requirement during the rulemaking process for a signature accompanying the filing of an electronic document shall be met if such signature complies with the requirements of RSA 294-E." An "electronic signature" is defined in RSA 294-E:2, VIII as "an electronic sound, symbol, or process attached to or logically associated with a record and executed by a person with an intent to sign the record." The Department of Administrative Services and the Secretary of State are developing standards pursuant to RSA 294-E:17 and RSA 294-E:18 governing such electronic signatures.

Agencies filing electronically may replace the handwritten signature required by RSA 541-A or this *Manual*, or replace the initials of an individual on an optional agency document like a cover memo, with an electronic signature as follows:

- Prior to initial submission of a document with an electronic signature, the agency must submit a sample of the signature to the Administrative Rules office with the identity of the individual to whom it belongs;
- The electronic signature, such as available on a PDF file created on Adobe Acrobat Professional® 9, must be password-protected, unique to the person whose signature or initials the electronic signature is designed to replace; and
- To maintain the security and uniqueness of the electronic signature, the use of the electronic signature must comply with one of the following:
  - The electronic signature must be affixed onto the electronic document only by the person whose handwritten signature or initials are replaced by the electronic signature; or
  - If the use of the electronic signature has been delegated to another individual, then prior to its use the agency must file an authorization letter in compliance with 1.7 of this chapter as for use of a computer-generated facsimile signature. Any electronic document filed with the delegated electronic signature must be countersigned with the delegee's own electronic signature.

If these conditions for use of electronic signatures cannot be met, then the agency may submit the original paper document with the original signature or initials as a scanned PDF file as described in 7.2 above. The agency must send the Administrative Rules office, by messenger mail or hand delivery, the original paper document for public inspection purposes.

7.4 Editing Adopted Rules for Agency Certification.

The process for certification of adopted rules and rules publication remains as described in Chapter 5, with exchange between your agency and the Administrative Rules office of edited rules in paper or as Microsoft Word ® attachments to regular e-mail. This is because rules at this time must still be edited and prepared for agency publication from the Administrative Rules database in Microsoft Word®, rather than as a PDF file. The Administrative Rules staff converts the rule from Word® into HTML for placement on the Administrative Rules web site.

At the conclusion of the camera-ready process as required in 2.5 in Chapter 5, your agency must provide **paper copy** of certified rules in Word® with **an original, signed certification letter**. This is necessary to establish what is the "official version" of an effective, certified rule pursuant to RSA 541-A:15, I due to potential editorial discrepancies between the as-filed PDF version of the adopted rule and the Word®

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INCORPORATION BY REFERENCE STATEMENT

**PLEASE LIST THE FOLLOWING:

1. Name of Agency. NH Department of Environmental Services
2. Person who has reviewed the material to be incorporated into the agency's rules:

Name:	Mike Juranty	Title:	Civil Engineer VI
Address:	Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-6058

3. Specific rule number where the material is incorporated: Env-Or 505.03(b)(3)
   Env-Or 509.01(a)

**PLEASE ATTACH THE FOLLOWING, numbered to correspond to the number on this sheet (a separate sheet is not required for every item):

4. The complete title of the material which is to be incorporated including the date on which the material became effective (or a document identification number) and the title of the entity that created or promulgated the material.

5. How the agency modified the text of the material incorporated, clearly identifying where amendments have been made to the text.

6. How the material incorporated can be obtained by the public (include cost and the address of the out-of-state agency which published the material).

7. Why the agency did not choose to reproduce the incorporated material in full in its rules. The discussion shall include more than the obvious reason that it is less expensive to incorporate by reference.

**PLEASE SIGN THE FOLLOWING:

I, the adopting authority,* certify that the text of the material which the agency is incorporating by reference in these rules has been reviewed by this agency. To the best of my knowledge and belief, this agency has complied with the requirements of RSA 541-A:12, IV and Section 3.12 of Chapter 4 of the Drafting and Procedure Manual for Administrative Rules. I further certify that the agency has the capability and the intent to enforce the material incorporated into the rules, as identified above.

Date: November 1, 2012

Signature: Thomas S. Burack

Name: Thomas S. Burack

Title: Commissioner

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

4. The complete title of the material which is to be incorporated including the date on which the material became effective (or a document identification number) and the title of the entity that created or promulgated the material.

Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300, 2009 edition.

5. How the agency modified the text of the material incorporated, clearly identifying where amendments have been made to the text.

The Department did not modify the text of this material.

6. How the material incorporated can be obtained by the public (include cost and the address of the out-of-state agency which published the material).

The material can be purchased at a price of $40 for PEI members or $95 for nonmembers at www.PEI.org or by calling (918) 494-9696 or writing

Petroleum Equipment Institute
P.O. Box 2380
Tulsa, OK 74101

The DES-purchased copy can be reviewed at DES by appointment.

7. Why the agency did not choose to reproduce the incorporated material in full in its rules. The discussion shall include more than the obvious reason that it is less expensive to incorporate by reference.

The Department chose to not reproduce the incorporated material in full into its rules because the document is copyrighted. The tables and graphs referred to are so complex that their meaning would be substantially altered if they were revised to comply with New Hampshire drafting requirements.

INCORPORATION BY REFERENCE STATEMENT

**PLEASE LIST THE FOLLOWING:

1. Name of Agency. NH Department of Environmental Services
2. Person who has reviewed the material to be incorporated into the agency's rules:

Name:	Mike Juranty	Title:	Civil Engineer VI
Address:	Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-6058

3. Specific rule number where the material is incorporated: Env-Or 509.01(b)

**PLEASE ATTACH THE FOLLOWING, numbered to correspond to the number on this sheet (a separate sheet is not required for every item):

4. The complete title of the material which is to be incorporated including the date on which the material became effective (or a document identification number) and the title of the entity that created or promulgated the material.

5. How the agency modified the text of the material incorporated, clearly identifying where amendments have been made to the text.

6. How the material incorporated can be obtained by the public (include cost and the address of the out-of-state agency which published the material).

7. Why the agency did not choose to reproduce the incorporated material in full in its rules. The discussion shall include more than the obvious reason that it is less expensive to incorporate by reference.

**PLEASE SIGN THE FOLLOWING:

I, the adopting authority,* certify that the text of the material which the agency is incorporating by reference in these rules has been reviewed by this agency. To the best of my knowledge and belief, this agency has complied with the requirements of RSA 541-A:12, IV and Section 3.12 of Chapter 4 of the Drafting and Procedure Manual for Administrative Rules. I further certify that the agency has the capability and the intent to enforce the material incorporated into the rules, as identified above.

Date: November 1, 2012

Signature: Thomas S. Burack

Name: Thomas S. Burack

Title: Commissioner

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

4. The complete title of the material which is to be incorporated including the date on which the material became effective (or a document identification number) and the title of the entity that created or promulgated the material.

"G-70-2-G" is the designation for the CARB executive order "Relating to the Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations," dated September 14, 1984.

5. How the agency modified the text of the material incorporated, clearly identifying where amendments have been made to the text.

The Department did not modify the text of this material.

6. How the material incorporated can be obtained by the public (include cost and the address of the out-of-state agency which published the material).

The material can be obtained at no cost as a PDF from CARB through their website at:
http://www.arb.ca.gov/vapor/eos/eo-2/2g.pdf

To obtain a hard copy of an executive order, contact the Office of Legal Affairs and provide the Executive Order number by calling (916) 322-2884, or by writing
CARB Office of Legal Affairs
P.O. Box 2815
Sacramento, CA 95812

7. Why the agency did not choose to reproduce the incorporated material in full in its rules. The discussion shall include more than the obvious reason that it is less expensive to incorporate by reference.

The Department chose to not reproduce the incorporated material in full into its rules because the tables and graphs referred to are so complex that their meaning would be substantially altered if they were revised to comply with New Hampshire drafting requirements.

INCORPORATION BY REFERENCE STATEMENT

**PLEASE LIST THE FOLLOWING:

1. Name of Agency. NH Department of Environmental Services
2. Person who has reviewed the material to be incorporated into the agency's rules:

Name:	Mike Juranty	Title:	Civil Engineer VI
Address:	Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-6058

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Date: November 1, 2012

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"G-70-4-A" is the designation for the CARB executive order "Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for underground Storage Tanks at Gasoline Service Stations," dated August 23, 1977.

5. How the agency modified the text of the material incorporated, clearly identifying where amendments have been made to the text.

The Department did not modify the text of this material.

6. How the material incorporated can be obtained by the public (include cost and the address of the out-of-state agency which published the material).

The material can be obtained at no cost as a PDF from CARB through their website at:
http://www.arb.ca.gov/vapor/eos/eo-4/4a.pdf

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"G-70-5" is the designation for the CARB executive order "Relating to the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations," dated October 7, 1976.

5. How the agency modified the text of the material incorporated, clearly identifying where amendments have been made to the text.

The Department did not modify the text of this material.

6. How the material incorporated can be obtained by the public (include cost and the address of the out-of-state agency which published the material).

The material can be obtained at no cost as a PDF from CARB through their website at:
http://www.arb.ca.gov/vapor/eos/g705.pdf

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APPROVAL OF THE RULE BY THE JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

JILL K. SIEVEKING
ACTING DIRECTOR

STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE
107 NORTH MAIN STREET, ROOM 109
CONCORD, NEW HAMPSHIRE 03301-4951

RECEIVED
NOV 19 2012
LEGAL UNIT

November 15, 2012

NOTICE NO. 2012-111

RULE # Env-Or 500

RELATIVE TO: Recovery of Gasoline Vapors

The Joint Legislative Committee on Administrative Rules has reviewed the Final Proposal on the above cited rule at its meeting on NOVEMBER 15, 2012.

The Committee voted to approve the proposal. You may proceed to adopt the rules in the proposal and file them with the Office of Legislative Services, Administrative Rules. If the effective life of any existing, regular rules in your proposal were extended during the rulemaking proceeding pursuant to RSA 541-A:14-a, then all the rules in the proposal must be adopted within **30 days** of Committee approval. The rules also must be filed with an effective date not more than **60 days** from the date of filing. See Section 1.11 of Chapter 3 in the N.H. Drafting and Procedure Manual for Administrative Rules (Manual).

When filing the final rules, you are also required to file a cover letter indicating the date of final adoption and certifying the final rules are a true copy. See Section 2.21 of Chapter 3 in the Manual. The rules will become effective either at (1) 12:01 a.m. on the day after the filing, (2) 12:01 a.m. on the date specified in the cover letter to me when the rule is filed, or (3) such other date and time as specified in the cover letter, provided that the filing occurs before such effective date and time. Please send two (2) copies of the adopted rules.

Sincerely yours,

Jill K. Sieveking

Jill K. Sieveking, Acting Director
Office of Legislative Services

TDD Access: Relay NH 1-800-735-2964
DIRECTOR (603) 271-3432
LEGAL STAFF (603) 271-3435
FAX: (603) 271-6607
RESEARCH (603) 271-3326
ADMINISTRATIVE RULES (603) 271-3680

ADOPTED RULE

The State of New Hampshire
Department of Environmental Services
Thomas S. Burack, Commissioner

Celebrating 25 Years of Protecting New Hampshire's Environment

November 15, 2012

Jill K. Sieveking, Acting Director
c/o OLS, Division of Administrative Rules
State House Annex, Room 219
Concord, NH 03301

Re: Adoption of Final Rules, FP #2012-111

Dear Director Sieveking:

Please be advised that I, as Commissioner of the Department of Environmental Services, have adopted the following rules:

Env-Or 500: Recovery of Gasoline Vapors

The Joint Legislative Committee on Administrative Rules approved these rules at its meeting on November 15, 2012.

A copy of the adopted rules is being filed electronically, concurrent with the e-filing of this adoption letter. The original, signed adoption letter is being sent separately by messenger mail for your records.

I, Thomas S. Burack, Commissioner of the Department of Environmental Services, hereby certify that the enclosed are true copies of the rules I have adopted.

Sincerely,

Thomas S. Burack
Commissioner

Enclosure

cc: Gretchen Hamel, DES Legal Unit
Public Information and Permitting Office

ec: K. Allen Brooks, Chief, AGO-Environmental Protection Bureau
Barbara Hoffman, DES ARD, Compliance Bureau Administrator
Michael Juranty, DES, WMD, Oil Remediation & Compliance Bureau

Change the heading of Env-Wm 1404 and renumber as Env-Or 500 as follows:
CHAPTER Env-Or 500 RECOVERY OF GASOLINE VAPORS

Statutory Authority: RSA 125-C:4, I(a); RSA 125-C:6, II & XIV

Insert a heading for Env-Or 501 as follows:
PART Env-Or 501 PURPOSE; APPLICABILITY

Readopt with amendment Env-Wm 1404.01 through Env-Wm 1404.16, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 501.01 through Env-Or 504.11, to read as follows:

Env-Or 501.01 Purpose. The purpose of this part is to regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended.

Env-Or 501.02 Applicability. This chapter shall apply to gasoline storage tanks, gasoline dispensing facilities, and cargo trucks as follows:

(a) Env-Or 503 shall apply to all gasoline storage tanks having a capacity of 250 gallons or greater;

(b) Env-Or 504, Env-Or 506, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any gasoline dispensing facility, including those at airports and marinas, that:

(1) Has any gasoline storage tank with a capacity equal to or greater than 1,100 gallons of gasoline; or

(2) Has a total facility throughput of equal to or greater than 10,000 gallons of gasoline per rolling 30-day period;

(c) Env-Or 505 shall apply to any gasoline dispensing facility that:

(1) Is subject to stage I requirements; and

(2) Meets the criteria specified in Env-Or 505.01(a); and

(d) Env-Or 507, Env-Or 508, and all applicable reference standards listed in Env-Or 509 shall apply to any cargo truck that delivers gasoline to any gasoline dispensing facility that meets the applicability criteria for stage I as stated in (b), above.

Env-Or 501.03 Cargo Trucks at Bulk Facilities. The owner or operator of any cargo truck that receives gasoline from a bulk gasoline loading terminal as defined in Env-A 1202.22 or that delivers gasoline to or receives gasoline from a bulk gasoline plant as defined in Env-A 1202.23 shall comply with the vapor recovery requirements in Env-A 1217.

PART Env-Or 502 DEFINITIONS

Env-Or 502.01 "2-point system" means a type of stage I system which uses a vapor return connection at the gasoline storage tank or at the manifold that is independent of the fill connection, for which separate connections are made for the gasoline and vapor recovery hoses. This is also known as a "dual-point system."

Env-Or 502.02 "Air contaminant" means "air contaminant" as defined in RSA 125-C:2, II, as reprinted in Appendix C.

Env-Or 502.03 "Assist system" means a type of stage II system which uses a vacuum pump to assist the transfer of displaced vapors from a motor vehicle fuel tank into a gasoline storage tank at a gasoline dispensing facility.

Env-Or 502.04 "Balance system" means a type of stage II system which relies on a tight seal between the nozzle and the vehicle fill port which causes the displacement and transfer of vapors from a motor vehicle fuel tank into a gasoline storage tank.

Env-Or 502.05 "Cargo truck" means any motor vehicle designed or used to transport or deliver gasoline. The term includes "gasoline tank truck" as used in Env-A 1217 and "gasoline cargo tank" as used in 40 CFR Part 63, Subpart CCCCCC.

Env-Or 502.06 "Certified vapor recovery system" means a vapor recovery system that is configured, certified, and operated as specified in the applicable reference standard in Env-Or 509.

Env-Or 502.07 "Coaxial system" means a type of stage I system which consists of a tube within a tube, such that gasoline is delivered to the gasoline storage tank through the inner tube and the vapors from the gasoline storage tank are returned via the interstice surrounding the fill tube, with a single coupling servicing both the gasoline and vapor recovery hoses.

Env-Or 502.08 "Emission" means "emission" as defined in RSA 125-C:2, VIII, as reprinted in Appendix C.

Env-Or 502.09 "Gasoline" means motor fuel containing any petroleum distillate where the Reid vapor pressure of the fuel is greater than 4.0 pounds per square inch (psi).

Env-Or 502.10 "Gasoline dispensing facility" means any stationary facility that dispenses gasoline directly into the fuel tank of a motor vehicle, motorized water vessel, or airplane. The term includes all equipment necessary for the purpose, including but not limited to nozzles, dispensers, pumps, vapor return lines, plumbing, and gasoline storage tanks.

Env-Or 502.11 "Gasoline storage tank" means any tank used to store gasoline other than a tank that is used as part of the bulk operations at a bulk gasoline loading terminal or bulk gasoline plant.

Env-Or 502.12 "Leak free" means a system where no gasoline is leaked while the system is pressurized.

Env-Or 502.13 "Lower explosive limit (LEL)" means the lowest concentration of a gas or vapor percentage by volume in air that burns or explodes if an ignition source is present at ambient temperature.

Env-Or 502.14 "Manifold" means a device used to interconnect gasoline storage tanks via a tank vent piping system at a gasoline dispensing facility.

Env-Or 502.15 "Monthly throughput" means "monthly throughput" as defined in 40 CFR §63.11132, as reprinted in Appendix C.

Env-Or 502.16 "Motor vehicle" means an on-road vehicle powered in whole or in part by an internal combustion engine.

Env-Or 502.17 "Onboard refueling vapor recovery (ORVR)" means a vapor recovery system required by 40 CFR 86 that is located within a motor vehicle to collect the vapors accumulated in the fuel tank during refueling, as well as new fuel vapors generated during the refueling process, before the fuel vapors escape into the atmosphere.

Env-Or 502.18 "ORVR compatible" means, as applied to a stage II system, that the system is designed for use with both ORVR and non-ORVR equipped vehicles.

Env-Or 502.19 "Owner or operator" means "owner or operator" as defined in 40 CFR §51.100, as reprinted in Appendix C.

Env-Or 502.20 "Poppetted dry break" means a stage I coupling equipped with a poppet valve that prevents vapors in a gasoline storage tank from escaping when a vapor return hose is not connected.

Env-Or 502.21 "Pressure/Vacuum (PV) vent cap" means a relief valve installed on a stage I or stage II system that is designed to open at specific pressure and vacuum settings to protect the system from excessive pressure or vacuum.

Env-Or 502.22 "Reid vapor pressure" means the absolute vapor pressure as determined by the American Society for Testing and Materials (ASTM), test method D323-08.

Env-Or 502.23 "Significant modification" means any construction or alteration of a stage I or stage II system that is not normal upkeep or maintenance.

Env-Or 502.24 "Stage I" means the regulatory system that requires the capture of vapors from bulk gasoline transfers.

Env-Or 502.25 "Stage I system" means the stage I equipment installed to recover gasoline vapors displaced from a gasoline storage tank during gasoline delivery and feed the vapors back into the cargo truck.

Env-Or 502.26 "Stage I equipment" means all components and connections in a stage I system including but not limited to dry breaks, two-point fill adaptors, coaxial fill adaptors, PV vent caps, vent piping, manifold piping, and gasoline storage tanks on which the stage I controls are located.

Env-Or 502.27 "Stage II" means the regulatory system that requires the capture of vapors from gasoline transfers from bulk storage to individual motor vehicles.

Env-Or 502.28 "Stage II system" means the stage II equipment installed at a gasoline dispensing facility to recover gasoline vapors displaced from a motor vehicle fuel tank during refueling of the motor vehicle and return the vapors to the facility's gasoline storage tank.

Env-Or 502.29 "Stage II equipment" means all components and connections in a stage II system including but not limited to vapor return piping, coaxial hoses through which the vapor flows, gasoline nozzles, vapor pumps, and gasoline dispensers, as applicable.

Env-Or 502.30 "Submerged fill tube" means a tube used to load or deliver gasoline into a gasoline storage tank where the gasoline discharge is totally submerged throughout the entire gasoline delivery.

Env-Or 502.31 "Swivel adaptor" means a device mounted on the fill riser pipe and vapor return riser of a gasoline storage tank that prevents loosening or over-tightening of the adaptor by means of a swivel-type mechanism.

Env-Or 502.32 "Test tee fitting" means a branched connection located in the vapor return piping below the dispenser for purposes of testing the vapor return piping.

Env-Or 502.33 "Throughput" means the amount of gasoline dispensed by a gasoline dispensing facility.

Env-Or 502.34 "Topping off" means attempting to dispense additional gasoline into a motor vehicle fuel tank after a vapor recovery dispensing nozzle has automatically shut off in order to prevent the dispensing of any more gasoline. This term does not include the filling of a motor vehicle fuel tank where the nature and configuration of the vehicle's fill pipe causes the premature shut off of the dispensing nozzle.

Env-Or 502.35 "Ullage" means the empty volume of a gasoline storage tank system that contains liquid gasoline. For vapor recovery systems, ullage is expressed as accumulated gallons of empty volume for all of the gasoline storage tanks in a certified vapor recovery system.

Env-Or 502.36 "Vapor tight" means equipment or a system where there is no loss of vapors, as determined by ensuring that the concentration of vapors at a potential leak source is not equal to or greater than 100 percent of the LEL when measured with a combustible gas detector, calibrated with hexane or equivalent, at a distance of one inch from the source.

Env-Or 502.37 "Working days" means calendar days exclusive of weekends and state holidays.

PART Env-Or 503 REQUIREMENTS APPLICABLE TO ALL GASOLINE STORAGE TANKS 250 GALLONS OR GREATER

Env-Or 503.01 Submerged Fill Tube Requirements. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Equip the tank with a submerged fill tube;

(b) Install the submerged fill tube so there is a clearance of at least 4 inches but less than 6 inches between the bottom of the tank and the point at which gasoline can first exit the submerged fill tube; and

(c) Use the submerged fill tube whenever fuel is being added to the tank.

Env-Or 503.02 Gasoline Mishandling Prohibited. No person shall deliberately, recklessly, or negligently mishandle gasoline being delivered to or unloaded from a gasoline storage tank having a capacity equal to or greater than 250 gallons such that gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding onto the ground or into a sewer or storm drain, or storing in an open container.

Env-Or 503.03 Throughput Recordkeeping Required. The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons shall:

(a) Record daily gasoline throughput volume;

(b) Maintain the records required by (a), above, for not less than 3 years; and

(c) Make such records available for inspection and copying upon written request by the department or the U.S. Environmental Protection Agency (EPA).

Env-Or 503.04 Required Throughput Reporting.

(a) The owner or operator of a gasoline storage tank having a capacity equal to or greater than 250 gallons at a gasoline dispensing facility that has not been subject to stage I requirements shall report throughput information in writing to the department within 30 days of the facility's throughput equaling or exceeding 10,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

PART Env-Or 504 STAGE I REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Env-Or 504.01 Continuing Applicability of Stage I Requirements For Gasoline Dispensing Facilities. Any gasoline dispensing facility that meets the applicability criteria specified in Env-Or 501.02(b) shall continue to be subject to the stage I requirements even if a reduction in throughput occurs that would otherwise exempt the facility from these requirements.

Env-Or 504.02 Stage I Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Install and maintain a stage I system that is a certified vapor recovery system;

(2) Equip each vent pipe on an underground or aboveground gasoline storage tank with a PV vent cap;

(3) Label each PV vent cap with the cap's rated pressure and vacuum relief setting;

(4) Position the label specified in (3), above, so that it is visible from ground level;

(5) Install a submerged fill tube as specified in Env-Or 503.01;

(6) For a two-point system:

a. Install a poppetted dry break on the vapor return connection; and

b. Equip the poppetted dry break with a properly sealed adaptor cap attached at all times, except when gasoline is being delivered; and

(7) Install a fill adaptor cap with a properly sealed gasket attached at all times, except when gasoline is being delivered.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps on underground gasoline storage tanks and on aboveground gasoline storage tanks as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the 2012 effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.06(b) or (d) in effect immediately prior to the 2012 effective date of this chapter, as reprinted in Appendix D and as applicable, the owner or operator may continue to use the PV vent cap until the earlier of:

(1) Three years from the 2012 effective date of this chapter;

(2) The cap is required to be replaced pursuant to Env-Or 504.05(c)(2); or

(3) Stage I testing is required pursuant to one of the conditions of Env-Or 504.07(a).

Env-Or 504.03 Stage I System Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(1) Operate the stage I system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(2) Operate all stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(3) Use the installed submerged fill tube to fill the tank.

(b) No person shall transfer or allow the transfer of gasoline into a gasoline storage tank at a gasoline dispensing facility that is subject to this part unless the tank is equipped with an operational stage I certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any gasoline vapors captured by a stage I system to the atmosphere.

Env-Or 504.04 Required Stage I System Inspections and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) Conduct monthly maintenance inspections of all stage I equipment at the facility as specified in Env-Or 504.05;

(b) Conduct an annual maintenance inspection of all stage I equipment at the facility as specified in Env-Or 504.06;

(c) Maintain stage I equipment as specified by the manufacturer or the applicable reference standard specified in Env-Or 509; and

(d) Maintain all stage I equipment, except PV vent caps, to be leak free and vapor tight.

Env-Or 504.05 Stage I System Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 504.04(a) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document each monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Check all vent risers for visible damage and repair as necessary;

(2) Check each PV vent cap and if the cap is missing or damaged, replace the cap;

(3) Remove and discard any gasoline, water, or debris present in each spill bucket in accordance with Env-Hw 100-1100;

(4) Check each coaxial fill adaptor cap, 2-point fill adaptor cap, and dry break adaptor cap for the presence of a gasket and tightness of fit;

(5) If any coaxial fill adaptor cap, 2-point fill adaptor cap, or dry break adaptor cap can be easily rotated by hand when in place or if a gasket is missing or damaged, repair or replace the cap or gasket as applicable;

(6) Replace any failed fill adaptor with a swivel adaptor;

(7) Check each coaxial fill adaptor, 2-point fill adaptor, and dry break adaptor for tightness and tighten with a wrench any adaptor that can be hand rotated; and

(8) For a 2-point system:

a. Check that the dry break adaptor gasket on the poppet valve of the dry break adaptor makes a continuous seal with the valve seat of the adaptor and replace the dry break adaptor with a swivel dry break adaptor if a continuous seal is not present; and

b. Check that the poppet valve depresses evenly across the valve seat of the dry break adaptor and that it reseats properly, and replace the dry break adaptor with a swivel dry break adaptor if either condition is not met.

(d) If the owner of the facility is a political subdivision, a dry break adaptor that does not meet the requirements of (c)(8), above, shall be repaired or replaced with a non-swivel type dry break adaptor if the political subdivision chooses to not pay for a swivel-type adaptor.

Env-Or 504.06 Stage I System Annual Maintenance Inspection.

(a) Subject to (e), below, the owner or operator shall perform the annual maintenance inspections required by Env-Or 504.04(b):

(1) No later than September 30 of each calendar year; and

(2) Subject to (b), below, no sooner than 10 months after the prior annual inspection.

(b) If a stage I test is done in lieu of an annual inspection as provided in (e), below, the owner or operator shall perform the next annual maintenance inspection no sooner than 10 months after the stage I test.

(c) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(d) During each annual maintenance inspection, the owner or operator shall:

(1) Perform all inspections and maintenance specified in Env-Or 504.05 for monthly inspections;

(2) Replace or permanently plug each drain valve located in each spill bucket;

(3) Verify that adaptor caps and dust covers are not in contact with overlying access covers; and

(4) Ensure that the submerged fill tube has the clearance specified in Env-Or 503.01(b).

(e) An annual maintenance inspection shall not be required for any calendar year in which the stage I system successfully passes a stage I system test performed as specified in Env-Or 504.07 through Env-Or 504.10 prior to the due date of the annual inspection as specified in (a), above.

Env-Or 504.07 Stage I System Testing Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage I system testing as specified in Env-Or 504.08 through Env-Or 504.10:

(1) For tanks at gasoline dispensing facilities having a throughput of 100,000 gallons per month or more, at least once every 3 years; and

(2) For all tanks, within 30 days of:

a. Failing to perform 2 monthly maintenance inspections in accordance with Env-Or 504.05 in any given calendar year;

b. Failing to perform the annual maintenance inspection as required by Env-Or 504.06(a); or

c. Discovering that the stage I system is not functioning as specified in the applicable stage I certification reference standard in Env-Or 509.

(b) The owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing at least 7 working days prior to performing the test of the planned test date, test time, and if applicable, the testing consultant being used.

(c) If the test is being performed pursuant to (a)(1) or (a)(2)c., above, the owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(d) Within 30 days of the completion of each test performed, the owner or operator of each gasoline dispensing facility being tested or retested shall notify the department in writing of the specific test results, and if a test failed, the specific actions to be taken to correct the problem and the next planned test time and date.

(e) The owner or operator of a gasoline dispensing facility that does not meet all of the criteria for a successful stage I system test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (f), below, retest the stage I system within 30 days of the failed test.

(f) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage I system that failed the original test.

Env-Or 504.08 Required Stage I System Test Components. The owner or operator of a gasoline dispensing facility shall ensure that stage I system test procedures consist of the following:

(a) A PV vent cap test for pressure and vacuum as specified in Env-Or 504.09;

(b) A pressure decay test as specified in Env-Or 504.10; and

(c) A submerged fill tube measurement to ensure and document that the requirements of Env-Or 503.01(b) are met.

Env-Or 504.09 PV Vent Cap Test Procedures, Criteria, and Required Actions.

(a) The PV vent cap test for pressure and vacuum required by Env-Or 504.08(a) shall be conducted in accordance with California Air Resources Board (CARB) Vapor Recovery Test Procedure (TP) 201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, dated October 8, 2003.

(b) To pass the pressure and vacuum tests specified in (a), above, the:

(1) Pressure relief point shall occur between 2.5 to 6.0 inches water column pressure;

(2) The vacuum relief point shall occur between 6.0 to 10.0 inches water column pressure; and

(3) The total leak rate of all PV vent caps at the facility shall not exceed 0.17 cubic feet per hour at a pressure of 2.0 inches water column and 0.63 cubic feet per hour at a vacuum of 4.0 inches water column.

(c) If the PV vent cap fails either the pressure test or the vacuum test as specified in (a) and (b), above, the owner or operator shall replace the PV vent cap with a PV vent cap as specified in Env-Or 504.02(b) that passes the test requirements of (b), above.

Env-Or 504.10 Pressure Decay Test Procedures, Criteria, and Required Actions.

(a) The pressure decay test required by Env-Or 504.08(b) shall be performed:

(1) Following the PV vent cap test specified in Env-Or 504.09; and

(2) In accordance with CARB TP-201.3A, as amended April 12, 1996, except that the test shall be performed at 10 inches water column pressure.

(b) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in table 500-1, below:

Table 500-1 Minimum Allowable Pressure

Ullage (gallons)	Minimum Allowable Pressure (inches water column)	Ullage (gallons)	Minimum Allowable Pressure (inches water column)
500	3.70	5,000	9.30
600	4.50	6,000	9.38
700	5.20	7,000	9.46
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,500	7.50	12,000	9.64
1,750	7.90	13,000	9.66
2,000	8.20	14,000	9.68
2,250	8.35	15,000	9.70
2,500	8.50	16,000	9.71
2,750	8.60	17,000	9.71
3,000	8.70	18,000	9.72
3,250	8.80	19,000	9.73
3,500	8.90	20,000	9.73
3,750	9.00	21,000	9.74
4,000	9.10	22,000	9.75
4,250	9.15	23,000	9.75
4,500	9.20	24,000	9.76
4,750	9.25	25,000	9.77

(c) If the stage I system does not pass the pressure decay test, the owner or operator shall undertake such repairs as are necessary and retest until the stage I system passes the test.

Env-Or 504.11 Compliance Schedule for Stage I Systems.

(a) If the throughput of a gasoline dispensing facility that had not previously met the criteria of Env-Or 501.02(b) becomes equal to or greater than 10,000 gallons of gasoline per rolling 30-day period, the owner or operator shall comply with all applicable requirements of this chapter within 180 days after the date the facility becomes subject to this part.

(b) The owner or operator of a gasoline dispensing facility that begins operation after the effective date of this chapter and that meets the criteria of Env-Or 501.02(b) shall comply with all applicable requirements of this chapter upon commencement of operation.

(c) The owner or operator of a gasoline dispensing facility that already is subject to stage I requirements and that undergoes significant modifications to any tank or piping shall comply with all applicable requirements of this chapter as to the complete stage I system, including all modified components, upon completion of the modifications.

(d) If the monthly throughput of a gasoline dispensing facility is 100,000 gallons of gasoline per month or more as of the effective date of this chapter, the owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the 2012 effective date of this chapter.

(e) If the monthly throughput of a gasoline dispensing facility increases to 100,000 gallons of gasoline per month or more subsequent to the 2012 effective date of this chapter, then:

(1) The owner or operator shall comply with Env-Or 504.07(a)(1) within 180 days of the throughput becoming equal to or greater than 100,000 gallons of gasoline per month; and

(2) The facility shall continue to be subject to Env-Or 504.07(a)(1) even if a reduction in throughput occurs to below the specified threshold.

Insert a heading for Env-Or 505 as follows:
PART Env-Or 505 STAGE II REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES

Readopt with amendment Env-Wm 1404.17, eff. 8-21-04 (doc. #8141), as amended eff. 11-29-11 (doc. #10036), and renumber as Env-Or 505.01 through Env-Or 505.03, to read as follows:

Env-Or 505.01 Applicability of Stage II Requirements.

(a) The owner or operator of a gasoline storage tank at a gasoline dispensing facility shall comply with this part in addition to Env-Or 503, Env-Or 504, Env-Or 506, Env-Or 508, and applicable reference standards in Env-Or 509 if the facility:

(1) Meets the criteria specified in Env-Or 501.02(b) for a stage I system;

(2) Is located in Hillsborough, Merrimack, Rockingham, or Strafford county;

(3) Does not qualify for an exemption pursuant to Env-Or 505.02; and

(4) Meets one of the following criteria:

a. The facility has a throughput equal to or greater than 35,000 gallons per rolling 30-day period; or

b. The facility was constructed after November 15, 1990, regardless of the amount of throughput.

(b) Once a facility meets the applicability criteria in (a), above, the owner or operator shall continue to be subject to the stage II requirements even if a reduction in throughput occurs to below the threshold specified in (a)(4)a., above.

Env-Or 505.02 Exemptions from Stage II Requirements.

(a) Any gasoline dispensing facility that services only motorized water vessels, airplanes, or agricultural equipment shall be exempt from this part.

(b) The owner or operator of a gasoline dispensing facility that meets the criteria specified in Env-Or 505.01(a)(1), (2), and (4) shall be exempt from the requirements to install and to operate stage II equipment provided that:

(1) Facility construction commences on or after January 1, 2012;

(2) Facility construction commenced prior to January 1, 2012 but stage II equipment had not been installed prior to January 1, 2012; or

(3) The owner or operator decommissions the stage II equipment in accordance with Env-Or 505.03.

Env-Or 505.03 Decommissioning Stage II Systems.

(a) Subject to (d), below, the owner or operator of a gasoline dispensing facility equipped with stage II equipment shall decommission the stage II equipment by December 22, 2015 in accordance with this section.

(b) To qualify for an exemption under Env-Or 505.02(b)(3) or to comply with (a), above, the owner or operator shall do the following in the order listed:

(1) Submit a completed notification form as described in Env-Or 506.02 to notify the department of the intent to decommission the stage II equipment;

(2) Conduct a pressure decay test on the stage II vapor return piping as specified in Env-Or 505.11 and Env-Or 505.12 within 30 days prior to the scheduled decommissioning of the stage II equipment;

(3) Decommission the stage II system in accordance with all of the steps listed in the Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping, 2009 edition; and

(4) If the stage II vapor return piping did not pass the pressure decay test even after retesting in accordance with Env-Or 505.10(b), permanently close the stage II vapor return piping as specified in Env-Wm 1401.18(g)(2) or successor rule in subtitle Env-Or.

(c) Any owner or operator who decommissions stage II vapor recovery equipment shall continue to comply with the pressure decay and PV vent cap pressure and vacuum testing requirements of Env-Or 505.10 through Env-Or 505.12 for all equipment that remains in place, including any stage II vapor return piping that remains connected at the tank.

(d) The requirement to decommission a stage II vapor recovery system shall not apply to political subdivisions. If a political subdivision that owns a stage II system chooses to decommission the equipment, such decommissioning shall comply with (b), above.

Readopt with amendment Env-Wm 1404.18 through Env-Wm 1404.37, eff. 8-21-04 (doc. #8141), and renumber as Env-Or 505.04 through Env-Or 509.01, to read as follows:

Env-Or 505.04 Stage II Equipment Requirements.

(a) The owner or operator of a gasoline dispensing facility that meets the criteria of Env-Or 505.01(a) shall:

(1) Install and maintain a stage II system that is a certified vapor recovery system; and

(2) Use a 2-point system at each assist system facility.

(b) Unless otherwise specified in an applicable reference standard for the installed certified vapor recovery system and subject to (c), below, the owner or operator shall install PV vent caps as follows:

(1) For pressure, 2.5 to 6.0 inches water column pressure; and

(2) For vacuum, 6.0 to 10.0 inches water column vacuum.

(c) If a PV vent cap was installed prior to the 2012 effective date of this chapter and meets the pressure and vacuum standards specified in Env-Wm 1404.18(b) in effect immediately prior to the 2012 effective date of this chapter, as reprinted in Appendix D, the owner or operator may continue to use the PV vent cap until the earlier of:

(1) Three years from the 2012 effective date of this chapter;

(2) The cap is required to be replaced pursuant to Env-Or 505.08(c)(1); or

(3) Stage II testing is required pursuant to one of the conditions of Env-Or 505.10(a).

(d) The owner or operator of any stage II equipment that is subject to a dynamic back pressure test as specified in Env-Or 504.12 shall permanently install, at each dispenser, a test tee fitting that is:

(1) Equipped with a plug securely threaded into the branch connection; and

(2) Accessible to allow for testing of the vapor return piping.

Env-Or 505.05 Stage II Operational Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall operate the stage II system to recover at least 95% of all gasoline vapors at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher;

(b) No owner or operator of a gasoline dispensing facility that is subject to this part shall transfer or allow the transfer of gasoline from a gasoline storage tank at the facility into a motor vehicle fuel tank unless the facility is operating with a stage II system that is a certified vapor recovery system.

(c) No person shall deliberately, recklessly, or negligently vent any vapors captured by a stage II vapor recovery system to the atmosphere.

(d) The owner or operator of a gasoline dispensing facility using a stage II system shall post in a conspicuous location in the gasoline dispensing area:

(1) A warning that topping off is prohibited because it could result in spillage or return of gasoline into the gasoline storage tank; and

(2) The department telephone number for reporting difficulties with stage II equipment and equipment malfunctions.

Env-Or 505.06 Required Stage II System Inspection and Maintenance. The owner or operator of a gasoline dispensing facility that is subject to this part shall:

(a) For balance systems, conduct daily inspections of each gasoline dispenser nozzle as specified in Env-Or 505.07;

(b) Conduct monthly maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.08;

(c) Conduct annual maintenance inspections of all stage II equipment at the facility as specified in Env-Or 505.09;

(d) Maintain stage II equipment as specified by the manufacturer or by the applicable reference standard specified in Env-Or 509; and

(e) With the exception of PV vent caps, maintain stage II equipment to be leak free and vapor tight.

Env-Or 505.07 Stage II Balance System Daily Nozzle Inspection Requirements.

(a) The owner or operator shall perform the daily inspection required by Env-Or 505.06(a) for a balance system on each nozzle once per day of facility operation as follows:

(1) Remove the nozzle from its dispenser holder;

(2) Extend the hose to create a straight section of sloping hose section between the high point of the hose and the nozzle;

(3) With the nozzle pointed into a container approved for gasoline storage, pull back the nozzle bellows to open the nozzle vapor valve; and

(4) Drain any residual liquid gasoline out of the vapor portion of the nozzle and hose into the gasoline storage container.

(b) The owner or operator performing the test shall mark the gasoline dispenser nozzle as "Out of Order" with a tag or a bag if the nozzle is not operating as specified in the applicable reference standard in Env-Or 509.

(c) No person shall use or allow the use of equipment marked "Out of Order" until it has been repaired, replaced, or adjusted, as necessary, and retested to ensure it is working properly.

Env-Or 505.08 Stage II Monthly Maintenance Inspections.

(a) The owner or operator shall perform the monthly maintenance inspections required by Env-Or 505.06(b) once in each calendar month, but not sooner than 23 days after and not later than 37 days after the prior monthly inspection.

(b) The owner or operator shall document the monthly maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each monthly maintenance inspection, the owner or operator shall:

(1) Complete all items required for stage I specified in Env-Or 504.05(c);

(2) For a balance system:

a. Check each hose in and around each dispenser for tears, leaks, holes, or defects of any kind and replace any hoses containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter;

b. Check each nozzle bellow for tears, leaks, holes, or defects of any kind and replace any bellows containing any tear longer than 1/2-inch or any hole greater than 1/4-inch in diameter; and

c. Check each nozzle bellow's faceplate for continuity with a minimum of 75% of the bellows faceplate sealed against the vehicle fill pipe during fueling operation and replace any bellows faceplate not meeting that criterion; and

(3) For an assist system:

a. Check each hose for kinks or crimps and replace all defective sections;

b. Check each nozzle spout for looseness and tighten or replace as necessary;

c. Check each vapor return hole on the nozzle spout for blockage or obstruction and replace the nozzle or spout if the number of unobstructed holes does not meet the requirements for a specific stage II system; and

d. If a splash or vapor guard is required, check each splash or vapor guard for integrity and replace if the guard is missing or damaged.

Env-Or 505.09 Stage II System Annual Maintenance Inspection.

(a) Subject to (d), below, the owner or operator shall perform the annual maintenance inspection required by Env-Or 505.06(c) as specified in Env-Or 504.06.

(b) The owner or operator shall document each annual maintenance inspection, including all findings and repairs made, with written or electronic records kept in accordance with Env-Or 506.04.

(c) During each annual maintenance inspection, the owner or operator shall perform all inspections and maintenance specified in Env-Or 505.07, if applicable, and Env-Or 504.06(c).

(d) An annual maintenance inspection shall not be required for any calendar year in which the stage II system successfully passes a pressure decay test performed as specified in Env-Or 504.12 prior to the due date of the annual inspection as specified in (a), above.

Env-Or 505.10 Required Stage II System Testing.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part shall perform stage II system testing as specified in Env-Or 505.11 and Env-Or 505.12 at least once every 3 years and at the following times:

(1) No later than 15 days after completion of installation of a new stage II system;

(2) No later than 15 days after completion of any significant modification to an existing stage II system;

(3) No later than 15 days after completion of any backfill, pavement, or concrete work around stage II equipment;

(4) Within 90 days prior to the expiration date of any stage II permit issued as provided in Env-Or 505.13; and

(5) No later than 30 days following an inspection that identifies deficiencies in the certified stage II vapor recovery system at the facility.

(b) The owner or operator of a facility that does not meet all of the criteria for a successful test shall:

(1) Undertake repairs or other modifications as necessary to address the reason(s) for the unsuccessful test; and

(2) Subject to (c), below, retest the stage II system within 30 days of the failed test.

(c) If the modifications performed to repair the facility have not altered a portion of the system that passed the original test, the retest may be performed only on those portions of the stage II system that failed the original test.

Env-Or 505.11 Stage II System Testing: Scheduling and Notification Requirements.

(a) The owner or operator shall schedule testing to be conducted:

(1) On non-holiday weekdays between the hours of 8:00 a.m. and 4:00 p.m., unless otherwise arranged with the department in advance; and

(2) With oversight by the department.

(b) Prior to initiating a test, the owner or operator shall notify the department in writing of the planned test date, test time, and testing consultant being used, if applicable.

(c) The owner or operator shall send the notice required by (b), above, by letter, fax, or e-mail, so long as the notice is received by the department at least 7 working days in advance of the test date.

(d) Within 30 days of the completion of the test, the owner or operator shall notify the department in writing by fax, letter, or e-mail of the specific test results and data collected during the testing.

(e) The owner or operator shall report any test failure to the department in writing within 24 hours, unless the cause is immediately determined and corrected and the failure did not result in a release of vapors to the environment.

Env-Or 505.12 Stage II System Testing Procedures.

(a) In this section:

(1) "TP 201.3A" means CARB TP 201.3A Pressure Decay dated April 12, 1996, except that the test shall be performed at 10 inches water column;

(2) "TP 201.4" means CARB TP 201.4 Dynamic Back pressure dated July 3, 2002; and

(3) "TP 201.5" means CARB TP 201.5 Air to Liquid Ratio (A/L) dated February 1, 2001.

(b) Testing shall be conducted at a facility only if all volumetric liquid gasoline measuring devices at each dispenser have been calibrated in accordance with the requirements of the bureau of weights and measures of the New Hampshire department of agriculture, markets, and food.

(c) The owner or operator shall perform the following specified tests:

(1) For a balance system:

a. The pressure decay test performed in accordance with TP 201.3A; and

b. The dynamic back pressure test performed in accordance with TP 201.4 on each nozzle;

(2) For a bootless nozzle system:

a. The pressure decay test performed in accordance with TP 201.3A;

b. The dynamic back pressure test performed in accordance with TP 201.4 test tee fitting location as described in Env-Or 505.04(c); and

c. The A/L test performed in accordance with TP 201.5;

(3) For Healy Model 400 ORVR compatible booted nozzle system using a central vacuum unit:

a. The pressure decay test performed in accordance with CARB executive order G-70-186 or G-70-187;

b. The Healy vacuum integrity test; and

c. The Healy fillneck vapor pressure regulation fueling test;

(4) For Healy Model 600 bootless or booted nozzle system and Healy Model 800 booted nozzle system with the Healy/Franklin VP 1000 vapor pump or equivalent:

a. The pressure decay test performed in accordance with CARB executive order G-70-191;

b. The dynamic back pressure test in accordance with TP 201.4 at the test tee fitting location described in Env-Or 505.04(c); and

c. The A/L test with a Healy A/L adaptor for booted nozzles performed in accordance with TP 201.5; and

(5) For Healy Model 600 bootless system using a central vacuum unit:

a The pressure decay test performed in accordance with CARB executive order G-70-165;

b. The Healy vacuum integrity test; and

c. The A/L test performed in accordance with TP 201.5.

(d) For any pressure decay test performed in accordance with TP 201.3A, the owner or operator shall ensure, and the individual conducting the pressure decay test shall verify, that there are no product deliveries into or out of any gasoline storage tank within the 3 hours prior to the test or during the performance of the test.

(e) All A/L test equipment shall be calibrated once every 12 months as specified by the manufacturer.

(f) To pass the pressure decay test, the minimum allowable final pressure after the system has been pressurized to 10 inches water column and held for 5 minutes shall be as specified in Env-Or 504.10(b), table 500-1.

(g) The owner or operator shall verify that PV vent cap pressure and vacuum tests are performed as specified in Env-Or 504.09.

Env-Or 505.13 Permit to Operate.

(a) The owner or operator of a gasoline dispensing facility that is subject to this part and to RSA 146-C shall have a valid permit to operate in accordance with RSA 146-C and Env-Wm 1401 or successor rules in subtitle Env-Or.

(b) As part of the application for the permit to operate, the owner or operator of the stage II facility shall submit to the department the following:

(1) A completed stage II vapor recovery notification form; and

(2) The results of all required stage II tests in accordance with Env-Or 505.11(d).

(c) The permit to operate shall be prominently displayed in an area where it can be observed in the normal course of an inspection of the facility.

Env-Or 505.14 Compliance Schedule for Stage II Systems.

(a) The owner or operator of a gasoline dispensing facility that becomes subject to this part after the effective date of this part shall comply with the requirements of this part within one year after the date the facility becomes subject to stage II requirements.

(b) The owner or operator of a facility that meets the stage II applicability criteria specified in Env-Or 505.01 as of the date it initiates operations shall be in compliance with the requirements of this part prior to commencing operation.

PART Env-Or 506 NOTIFICATION AND RECORDKEEPING FOR GASOLINE DISPENSING FACILITIES

Env-Or 506.01 Required Throughput Reporting.

(a) The owner or operator of a gasoline dispensing facility that is subject to Env-Or 504 shall report throughput information in writing to the department within 30 days of the throughput equaling or exceeding 100,000 gallons per rolling 30-day period.

(b) The written submittal required by (a), above, may be submitted on paper, via email, or via fax.

Env-Or 506.02 Notification Requirements.

(a) The owner or operator of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements shall submit a "Vapor Recovery Notification Form" (VRN form) as described in Env-Or 506.03 to the department as follows:

(1) At least 30 days prior to any construction, installation, or significant modification that affects a stage I system or a stage II system, or both;

(2) Prior to scheduling a stage II test pursuant to Env-Or 505.11 or decommissioning a stage II system as specified in Env-Or 505.03(b)(1);

(3) At least 10 days prior to a change in use of a storage tank from gasoline to non-gasoline or non-gasoline to gasoline; and

(4) Within 10 days after a change of any of the items specified in Env-Or 506.03.

(b) If ownership of a gasoline dispensing facility that is subject to stage I requirements or both stage I and stage II requirements is transferred, the new owner shall submit a completed VRN form to the department within 10 days of the transfer.

(c) The owner or operator shall sign and date the VRN form.

(d) The signature of the owner or operator shall constitute:

(1) Certification that the information on the VRN form is true and correct to the best of the individual's knowledge and belief; and

(2) Acknowledgement that the individual is subject to the penalties specified in RSA 641:3 for making unsworn false statements.

(e) The department shall, within 30 days of receipt of the VRN form, inform the individual who submitted the VRN form of any deficiencies in the notification.

(f) If the department is not able to determine the effectiveness or design of the equipment or system being constructed, installed, or significantly modified, the department shall request additional information in order to make such determination.

Env-Or 506.03 Vapor Recovery Notification Form. The Vapor Recovery Notification Form (VRN form) required to be submitted by Env-Or 506.02 shall require the following information:

(a) The name, physical address, mailing address, main telephone number, main fax number, and site number of the gasoline distribution facility;

(b) The name, mailing address, daytime telephone number, fax number, and email address of each owner of the gasoline distribution facility;

(c) The name, mailing address, daytime telephone number, fax number, and email address of the individual who is responsible for:

(1) The stage I system at the gasoline distribution facility; and

(2) If applicable, the stage II system at the gasoline distribution facility;

(d) A description of all stage I equipment at the gasoline distribution facility, including but not limited to the 2-point or coaxial stage I system and, if there is a 2-point system, a statement as to whether the dry break adaptor is located on the manifold or on the tank;

(e) For stage II gasoline distribution facilities:

(1) A description of all stage II equipment, including but not limited to, the type of system and the type of vapor assist; and

(2) Gasoline dispenser information, including but not limited to the number of dispensers and number of nozzles at each dispenser;

(f) The number of gasoline storage tanks at the gasoline distribution facility and for each tank, the size of the tank and the grade of gasoline contained in the tank;

(g) The date when construction, installation, or significant modification of any stage I or stage II equipment at the gasoline distribution facility occurred.

Env-Or 506.04 Recordkeeping Requirements for Gasoline Dispensing Facilities. The owner or operator of a gasoline dispensing facility that is subject to this chapter shall:

(a) Maintain the following records such that they are available during a department or EPA inspection:

(1) A copy of this chapter;

(2) The records of each monthly maintenance inspection conducted over the prior 3 years as required by Env-Or 504.05 or Env-Or 505.08, as applicable;

(3) The records of each annual maintenance inspection conducted over the prior 3 years as required by Env-Or 504.06 or Env-Or 505.09, as applicable;

(4) A description of all repair work completed as a result of any of the inspections included in (2) or (3), above;

(5) All other information regarding equipment failures, repairs, and maintenance over the prior 3 years that is not included in (4), above; and

(6) A copy of the manual entitled, "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual";

(b) Provide the following records upon request of the department or EPA:

(1) All records of installation of stage I equipment and, if applicable, of stage II equipment;

(2) Bulk liquid receipts;

(3) A copy of each VRN form as described in Env-Or 506.03 completed for the facility; and

(4) For stage II systems:

a. A copy of the facility's current permit to operate, as required by Env-Or 505.13; and

b. Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable; and

(c) Retain the records identified in (a) and (b), above, as specified in table 500-2, below:

Table 500-2: Required Record Retention Periods

Record Required by Env-Or 506.04	Description of Record	Required Retention Period
(a)(1)	The vapor recovery rules, Env-Or 500	Duration of the operating life of the facility
(a)(6)	The "New Hampshire Department of Environmental Services Gasoline Vapor Recovery Test Procedures and Inspection Manual"	
(b)(2)	Bulk liquid receipts	Until such time as the equipment is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(2)	A record of each monthly maintenance inspection as specified in Env-Or 504.05 or Env-Or 505.08, as applicable	3 years from date of receipt or completion, as applicable, provided that if the owner or operator has been notified of a pending inquiry into the integrity of the gasoline storage tank(s) at the facility, then until such time as the stage I or stage II equipment, as applicable, is no longer on-site and a site investigation has determined that the equipment did not cause or contribute to a discharge of gasoline.
(a)(3)	A record of each annual maintenance inspection as specified in Env-Or 504.06 or Env-Or 505.09, as applicable	
(a)(4)	A description of all repair work completed as a result of any of the inspections included in (a)(2) or (a)(3)	
(a)(5)	All other information that is relevant to equipment failures, repairs, and maintenance that is not included in (a)(4)	
(b)(1)	All records of installation of stage I equipment and, if applicable, of stage II equipment	
(b)(4)b.	For stage II systems: Each daily balance system maintenance performed as specified in Env-Or 505.07, if applicable	
(b)(3)	A copy of each Vapor Recovery Notification Form as described in Env-Or 506.03 completed for the facility	
(b)(4)a.	For stage II systems: A copy of the facility's current permit to operate, as required by Env-Or 505.13	Until a new or renewed permit to operate is received

PART Env-Or 507 STAGE I REQUIREMENTS FOR CARGO TRUCKS

Env-Or 507.01 Required Equipment for Cargo Trucks.

(a) The owner or operator of a cargo truck that meets the criteria specified in Env-Or 501.02(d) shall install and maintain a stage I system to serve the cargo truck that is a certified vapor recovery system.

(b) All hoses and stage I equipment on the cargo truck shall be specifically manufactured for use in transferring gasoline or otherwise certified by the manufacturer as compatible with gasoline.

(c) The cargo truck shall be connected during gasoline delivery to a gasoline storage tank using:

(1) For a coaxial system, a separate coaxial coupling with one vapor return hose used for every fill hose in service;

(2) For a 2-point system where the tanks are connected with a manifold, a minimum of one vapor return hose used for every 2 fill hoses in service; and

(3) For a 2-point system where the tanks are not connected with a manifold, a separate vapor recovery connection at each tank being filled.

Env-Or 507.02 Maintenance Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall maintain stage I equipment as specified by the manufacturer and so as to be leak-free and vapor tight.

Env-Or 507.03 Operational Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall operate the stage I system to recover at least 95% of all gasoline vapors released from the gasoline tank to which the fuel is being delivered during unloading operations at the facility or to be at least as efficient as the manufacturer's design efficiency, whichever is higher. This standard shall apply to each cargo truck during each applicable gasoline delivery.

(b) During loading of gasoline at a bulk gasoline loading terminal and during loading or unloading of gasoline at a bulk gasoline plant, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed:

(1) A pressure setting of 18.0 inches water column pressure; and

(2) A vacuum setting of 5.9 inches water column vacuum.

(c) During unloading of gasoline at a gasoline dispensing facility, the owner or operator of the cargo truck shall verify that the cargo truck has a back pressure that does not exceed a vacuum setting of 5.9 inches water column vacuum.

(d) If a cargo truck does not meet the requirements specified in (b) or (c), above, as applicable, the owner or operator of the cargo truck shall repair and retest the truck within 15 days.

(e) The owner or operator of a cargo truck shall securely fasten all hatches on the truck except when access is needed to take a measurement of gasoline level or perform maintenance activities.

(f) No person shall unload gasoline from any cargo truck to any gasoline storage tank at any gasoline dispensing facility that is subject to Env-Or 504 unless the owner or operator of the facility has installed and is maintaining as operational a certified stage I vapor recovery system.

(g) No person shall deliberately, recklessly, or negligently vent any vapors captured by the stage I system serving a cargo truck to the atmosphere.

(h) No person shall deliberately, recklessly, or negligently mishandle gasoline being loaded to or unloaded from a cargo truck such that the gasoline could evaporate into the atmosphere. For purposes of this section, mishandling includes but is not limited to spilling, discarding into a sewer or storm drain, or storing in an open container.

Env-Or 507.04 Testing Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall:

(a) Conduct an annual certification test in accordance with 40 CFR §63.425(e); and

(b) If the cargo truck does not meet the applicable parameters specified in 40 CFR §63.425(e), undertake such repairs as are necessary and retest.

Env-Or 507.05 Monitoring for Cargo Trucks. The department shall inspect a cargo truck to determine whether the truck is leak tight and vapor tight either:

(a) Upon receipt of information that supports a reasonable conclusion that the truck might not be leak tight and vapor tight, including visual and olfactory information; or

(b) Pursuant to a routine inspection.

Env-Or 507.06 Treatment of Vapor Requirements for Cargo Trucks. The owner or operator of a cargo truck that is subject to this part shall dispose of the vapors at a bulk terminal equipped with a certified stage I vapor recovery system, using the vapor collection system and vapor destruction methods described in Env-A 1217.06(c).

Env-Or 507.07 Recordkeeping Requirements for Cargo Trucks.

(a) The owner or operator of a cargo truck that is subject to this part shall maintain in the cargo truck at all times the following:

(1) Documentation that the cargo truck has met the requirements of Env-Or 507.04;

(2) Test results for both the pressure and vacuum tests required by Env-Or 507.04; and

(3) Proof of compliance and the date of all tests conducted in accordance with the stage I testing requirements for cargo trucks as stated in this part, which shall be displayed on the cargo truck.

(b) The driver of a cargo truck that is subject to this part shall provide the documents listed in (a), above, upon request of the department or EPA for inspection and copying.

PART Env-Or 508 WAIVERS

Env-Or 508.01 Applicability. An owner or operator who wishes to obtain a waiver from any rule in this chapter shall request the waiver as specified in Env-Or 508.02.

Env-Or 508.02 Waiver Requests.

(a) Each request for a waiver shall be filed in writing by the owner or operator who is seeking the waiver.

(b) The person requesting the waiver shall provide the following information to the department:

(1) The name, mailing address, and daytime telephone number of the requestor and, if available, a fax number and e-mail address of the requestor;

(2) As applicable, the name, physical address, and site number of the facility to which the waiver request relates, or the registration number of the cargo truck to which the waiver would apply;

(3) The specific rule section or paragraph for which a waiver is being requested;

(4) A full explanation of why a waiver is being requested, including an explanation of the consequences of complying with the rule as written;

(5) Whether the need for the waiver is temporary, and if so, the estimated length of time that the waiver will be needed;

(6) If applicable, a full explanation of the alternative that is proposed to be substituted for the requirement in the rule, including written documentation or data, or both, to support the alternative; and

(7) A full explanation of why the requestor believes that having the waiver granted will meet the criteria in Env-Or 508.03.

(c) The requestor shall sign and date the request.

(d) The signature shall constitute certification that:

(1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and

(2) The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.

(e) The department shall transmit a copy of each waiver request filed in compliance with (a) through (c), above, to EPA within 5 working days of its receipt.

Env-Or 508.03 Waiver Criteria.

(a) Subject to (b) and (c), below, the department shall grant a waiver if:

(1) Granting a waiver will not result in an adverse impact on the environment, public health, or public safety that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

a. Granting a waiver is consistent with the intent and purpose of the rule being waived; or

b. Strict compliance with the rule will provide no benefit to the public or the environment.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify any state statute, unless a waiver is expressly allowed by the statute that would be waived.

(c) No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted.

Env-Or 508.04 Decision on Waiver Requests; Conditions.

(a) The department shall notify the requestor of the decision in writing within 60 days of receipt of a request that meets the requirements of Env-Or 508.02.

(b) If the request is denied, the department shall identify the specific reason(s) for the denial.

(c) The department shall include such conditions in a waiver as are necessary to ensure that the criteria of Env-Or 508.03 will be met.

(d) If the need for a waiver is temporary, the waiver shall specify the date on which it will expire.

PART Env-Or 509 REFERENCE STANDARDS

Env-Or 509.01 Reference Standards. A vapor recovery system for an underground or aboveground gasoline storage tank or cargo truck shall be designed, installed, tested, and certified for use in accordance with one or more of the applicable reference standards listed below:

(a) PEI/RP 300-09, "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites", Petroleum Equipment Institute, 2009 edition; and

(b) The CARB executive orders, approval letters, and test methods set forth in table 500-3, below:

Table 500-3: CARB Reference Standards

CARB ID	Description	Date
G – 70 – 2 – G	Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 4 – A	Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/23/77
G – 70 – 5	Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05/06/93
G – 70 – 6	Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04/26/77
G – 70 – 7 – AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03/22/93
G – 70 – 8	Modification of the Certification of the Chevron Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	07/13/77
G – 70 – 9 – A	Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tanks Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G – 70 – 10 – A	Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G – 70 – 14 – AA	Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02/28/83
G – 70 – 17 – AD	Modification of the Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05/06/93
G – 70 – 18 – C	Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System	08/28/79
G – 70 – 20	Modification of the Certification of the Texaco Stage I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08/21/78
G – 70 – 23 – AC	Recertification of the Exxon Balance Phase II Vapor Recovery System	04/29/96
G – 70 – 25 – AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02/08/83

CARB ID	Description	Date
G – 70 – 33 – AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03/09/84
G – 70 – 34 – A	Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adaptor for Military Delivery Tanks to Include the Parker Hannifin F428A	08/13/79
G – 70 – 36 – AD	Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/18/92
G – 70 – 37 – B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01/22/80
G – 70 – 38 – AB	Recertification of the Texaco Balance Phase II Vapor Recovery System	12/19/90
G – 70 – 47 – B	Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09/18/84
G – 70 – 48 – AA	Recertification of the Mobile Oil Balance Phase II Vapor Recovery System	020/8/83
G – 70 – 49 – AA	Recertification of the Union Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 50	Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12/05/79
G – 70 – 52 – AM	Certification of the Components for Red Jacket, Hirt, and Bala2nce Phase II Vapor Recovery System	11/19/09
G – 70 – 53 – AA	Recertification of the Chevron Balance Phase II Vapor Recovery System	02/08/83
G – 70 – 70 – AC	Certification of the Healy Phase II Vapor Recovery System for Service Stations	06/23/92
G – 70 – 77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09/15/82
G – 70 – 78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components	05/20/83
G – 70 – 97 – A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/09/85
G – 70 – 101 – B	Recertification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11/15/85
G – 70 – 102 – A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05/25/93
G – 70 – 106	Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01/27/86
G – 70 – 107	Certification of the rainbow Petroleum Products Model RA3003, RA3005, RA3006, and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05/15/86
G – 70 – 110	Certification of the Stage I and Stage II Vapor Recovery Systems for Methanol Fueling Facilities	01/20/87
G – 70 – 116 – F	ConVault Aboveground Tank Vapor Recovery System	11/30/95
G – 70 – 118 – AB	Certification of the Amoco V-1 Vapor Recovery System	03/31/95

CARB ID	Description	Date
G – 70 – 125 – AA	Modification of the Certification of the Husky Model V Phase II Vapor Recovery Nozzle	03/16/93
G – 70 – 127	Certification of the OPW Model 111-V Phase II Vapor Recovery Nozzle	08/16/90
G – 70 – 128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System	08/27/90
G – 70 – 130 – A	Petrovault Aboveground Tank Vapor Recovery System	02/26/93
G – 70 – 131 – A	Tank Vault Aboveground Tank Vapor Recovery System	03/17/92
G – 70 – 132 – A	Supervault Aboveground Tank Vapor Recovery System	10/16/90
G – 70 – 132 – B	Supervault Aboveground Tank Vapor Recovery System	05/16/95
G – 70 – 134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery Nozzle	12/21/90
G – 70 – 136	FireSafe Aboveground Tank Vapor Recovery System	04/15/91
G – 70 – 137	FuelSafe Aboveground Tank Vapor Recovery System	10/4/91
G – 70 – 139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03/17/92
G – 70 – 140 – A	Integral Phase I and II Aboveground Configurations with the Healy Phase II Vapor Recovery System	07/1/92
G – 70 – 142 – B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09/09/94
G – 70 – 143	P/T Vault Aboveground Tank Vapor Recovery System	08/07/92
G – 70 – 147 – A	Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07/11/96
G – 70 – 148 – A	Lube Cube Aboveground Tank Vapor Recovery System	05/04/95
G – 70 – 150 – AE	Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07/12/00
G – 70 – 152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System	10/31/93
G – 70 – 153 – AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04/30/00
G – 70 – 154 – AA	Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06/10/97
G – 70 – 155	Petroleum Marketing Aboveground Tank Vapor Recovery System	03/12/94
G – 70 – 156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System	05/23/94
G – 70 – 157	Ecovault Aboveground Tank Balance Vapor Recovery System	05/23/94
G – 70 – 158 – A	Firesafe Aboveground Tank Vapor Recovery System	05/24/95
G – 70 – 159 – AB	Modification to the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System	07/17/95
G – 70 – 160	Above Ground Tank Vault Vapor Recovery System	11/09/94
G – 70 – 161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System	11/30/94
G – 70 – 162 – A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System	02/15/95
G – 70 – 163 – AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System	09/04/96

CARB ID	Description	Date
G – 70 – 164 – AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12/10/96
G – 70 – 165	Healy Vacuum Assist Phase II Vapor Recovery System	04/20/95
G – 70 – 167	EnviroVault Aboveground Tank Vapor Recovery System	01/09/96
G – 70 – 168	Bryant Fuel Systems Phase I Vapor Recovery System	10/15/95
G – 70 – 169 – AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08/11/97
G – 70 – 170	Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02/22/96
G – 70 – 175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04/18/96
G – 70 – 177 – AA	Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	06/22/00
G – 70 – 179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System	07/02/97
G – 70 – 180	Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04/17/97
G – 70 – 183 – AA	Language Correction in Existing Executive Order G-70-183 (Healy/Franklin System)	06/29/01
G – 70 – 186	Certification of the Healy Model 400 ORVR Vapor Recovery System	10/26/98
G – 70 – 187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09/13/99
G – 70 – 188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05/18/99
G – 70 – 190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System	10/08/99
G – 70 – 191	Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-1000 Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)	08/08/99
G – 70 – 191 – AA	Language Correction in Existing Executive Order G-70-191 (Healy Model 600 ORVR/800)	09/28/06
G – 70 – 192	Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	11/24/99
G – 70 – 193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	11/07/07
G – 70 – 194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System	05/11/00
G – 70 – 195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System	03/31/00
G – 70 – 196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12/30/00
G – 70 – 197	Synchrotek Fastflo 3 Phase II Vapor Recovery System	06/25/01
G – 70 – 198	Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06/04/01
G – 70 – 199 – AH	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01/23/02

CARB ID	Description	Date
G – 70 – 200	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04/22/02
G – 70 – 201	Oldcastle Aboveground Below – Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04/22/02
G – 70 – 202	Oldcastle Aboveground Below – Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04/22/02
Approval Letter #07-08	Catlow Model CTMVA Cam Twist Breakaway	11/07/07
VR – 101 – B	Phil-Tite Phase I Enhanced Vapor Recovery System with Ball Float Overfill Prevention	07/12/02
VR – 102 – A	OPW Phase I Vapor Recovery System	10/10/02
VR-203-A	Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)	11/05/07
Approval Letter #09-02	Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems	06/01/09
TP-201.1E	Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10/08/03
CP-201	Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities	02/09/05
TP-201.3A	Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities	04/12/96
TP-201.4	Dynamic Back Pressure	07/03/02
TP-201.5	Air to Liquid Volume Ratio	02/01/01

Appendix A: Incorporation by Reference Information

Rule Section	Title	Dated	Obtain at:
Env-Or 504.09(a) and Env-Or 509.01(b)	CARB TP 201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	10-03-2008	http://www.arb.ca.gov/testmeth/vol2/tp201.1e_Oct2003.pdf - no cost
Env-Or 504.10(a); Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP 201.3A Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities	04-12-96	http://www.arb.ca.gov/testmeth/vol2/tp201.3a_Apr1996.pdf - no cost
Env-Or 505.03(b) and Env-Or 509.01(a)	Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites, PEI RP 300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping	2009	http://pei.org/PublicationsResources/RecommendedPracticesExams/RP300/tabid/101/Default.aspx - purchase for $95.00.

Rule Section	Title	Dated	Obtain at:
Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP-201.4 Dynamic Back Pressure	07-03-2002	http://www.arb.ca.gov/testmeth/vol2/tp201.4_070302.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	CARB TP-201.5 Air to Liquid Volume Ratio	02-01-2001	http://www.arb.ca.gov/testmeth/vol2/tp201_5.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-165 Certification of the Healy Vacuum Assist Phase II Vapor Recovery System with the Model 600 Nozzle	04-20-1995	http://www.arb.ca.gov/vapor/eos/eo-165/g70165.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-186 Certification of the Healy Model 400 ORVR Vapor Recovery System	10-26-1998	http://www.arb.ca.gov/vapor/eos/eo-186/g70186.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-187 Certification of the Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems	09-13-1999	http://www.arb.ca.gov/vapor/above/g70187.pdf - no cost
Env-Or 505.12(c) and Env-Or 509.01(b)	G-70-191 Certification of the Healy Model 600 ORVR/800 Nozzle With The Healy/Franklin VP-1000 Vapor Pump Phase II Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)	08-08-1999	http://www.arb.ca.gov/vapor/eos/eo-191/eo-191/191.pdf - no cost
Env-Or 509.01(b)	G – 70 – 2 – G Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09-18-1984	http://www.arb.ca.gov/vapor/eos/eo-2/2g.pdf - no cost
Env-Or 509.01(b)	G – 70 – 4 – A Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for underground Storage Tanks at Gasoline Service Stations	08-23-1977	http://www.arb.ca.gov/vapor/eos/eo-4/4a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 5 Modification of the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	05-06-1993	http://www.arb.ca.gov/vapor/eos/g705.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 6 Modification of the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	04-26-1977	http://www.arb.ca.gov/vapor/eos/g706.pdf - no cost
Env-Or 509.01(b)	G – 70 – 7 – AD Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System	03-22-1993	http://www.arb.ca.gov/vapor/eos/eo-7/7ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 8 Relating to the Certification of the Chevron Vapor Transfer System for Use on Delivery Tanks	07-13-1977	http://www.arb.ca.gov/vapor/eos/g708.pdf - no cost
Env-Or 509.01(b)	G – 70 – 9 – A Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tank Facilities with Throughputs less than 9,000 Gallons per Month	11-18-1977	http://www.arb.ca.gov/vapor/eos/eo-9/9a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 10 – A Relating to the Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11-18-1977	http://www.arb.ca.gov/vapor/eos/eo-10/10a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 14 – AA Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-14/14aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 17 – AD Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System	05-06-1993	http://www.arb.ca.gov/vapor/eos/eo-17/g7017ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 18 – C Relating to the Modification of the Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery Systems	08-28-1979	http://www.arb.ca.gov/vapor/eos/eo-18/18c.pdf - no cost
Env-Or 509.01(b)	G – 70 – 20 Related to the Certification of the Texaco Phase I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	08-21-1978	http://www.arb.ca.gov/vapor/eos/g7020.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 23 – AC Modification to the Certification of the Exxon Balance Phase II Vapor Recovery System	04-29-1996	http://www.arb.ca.gov/vapor/eos/eo-23/g7023ac.pdf - no cost
Env-Or 509.01(b)	G – 70 – 25 – AA Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-25/g7025aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 33 – AB Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	03-09-1984	http://www.arb.ca.gov/vapor/eos/eo-33/33ab.pdf - no cost
Env-Or 509.01(b)	G – 70 – 34 – A Relating to the Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adapter for Military Delivery Tanks To Include The Parker Hannifin F428A	08-13-1979	http://www.arb.ca.gov/vapor/eos/eo-34/34a.pdf - no cost
Env-Or 509.01(b)	G – 70 – 36 – AD Modification of Certification of the OPW Balance Phase II Vapor Recovery System	09-18-1992	http://www.arb.ca.gov/vapor/eos/eo-36/g7036ad.pdf - no cost
Env-Or 509.01(b)	G – 70 – 37 – B Relating to the Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW Nozzles for Service Stations	01-22-1980	http://www.arb.ca.gov/vapor/eos/eo-37/37b.pdf - no cost
Env-Or 509.01(b)	G – 70 – 38 – AB Relating to Certification of the Texaco Balance Phase II Vapor Recovery System	12-19-1990	http://www.arb.ca.gov/vapor/eos/eo-38/38ab.pdf - no cost
Env-Or 509.01(b)	G – 70 – 47 – B Relating to the Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	09-14-1984	http://www.arb.ca.gov/vapor/eos/eo-47/47b.pdf - no cost
Env-Or 509.01(b)	G – 70 – 48 – AA Recertification of the Mobil Oil Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-48/48aa.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G – 70 – 49 – AA Recertification of the Union Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-49/49aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 50 Relating to the Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12-05-1979	http://www.arb.ca.gov/vapor/eos/g7050.pdf - no cost
Env-Or 509.01(b)	G – 70 – 52 – AM Certification of Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery System	10-04-1991	http://www.arb.ca.gov/vapor/eos/eo-52/g7052am.pdf - no cost
Env-Or 509.01(b)	G – 70 – 53 – AA Recertification of the Chevron Balance Phase II Vapor Recovery System	02-08-1983	http://www.arb.ca.gov/vapor/eos/eo-53/53aa.pdf - no cost
Env-Or 509.01(b)	G – 70 – 70 – AC Modification of Certification of the Healy Phase II Vapor Recovery System for Gasoline Dispensing Facilities	06-23-1992	http://www.arb.ca.gov/vapor/eos/eo-70/g7070ac.pdf - no cost
Env-Or 509.01(b)	G – 70 – 77 Relating to the Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	09-15-1982	http://www.arb.ca.gov/vapor/eos/g7077.pdf - no cost
Env-Or 509.01(b)	G – 70 – 78 Certification of E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Nozzle Components	05-20-1983	http://www.arb.ca.gov/vapor/eos/g7078.pdf - no cost
Env-Or 509.01(b)	G-70-97-A Stage I Vapor Recovery Systems for Underground Gasoline Storage Tanks at Service Stations	12-09-1985	http://www.arb.ca.gov/vapor/eos/eo-97/97a.pdf - no cost
Env-Or 509.01(b)	G-70-101-B Certification of E-Z Flo Model 3006 and Model 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11VE Vapor Recovery Nozzles	11-15-1985	http://www.arb.ca.gov/vapor/eos/eo-101/101b.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-102-A Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	05-25-1993	http://www.arb.ca.gov/vapor/above/g70102a.pdf - no cost
Env-Or 509.01(b)	G-70-106 Relating to the Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	01-27-1986	http://www.arb.ca.gov/vapor/eos/g70106.pdf - no cost
Env-Or 509.01(b)	G-70-107 Certification of Rainbow Petroleum Products Model RA3003, RA3005, RA3006 and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	05-15-1986	http://www.arb.ca.gov/vapor/eos/g70107.pdf - no cost
Env-Or 509.01(b)	G-70-110 Certification of Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities	01-20-1987	http://www.arb.ca.gov/vapor/eos/g70110.pdf - no cost
Env-Or 509.01(b)	G-70-116-F Certification of ConVault, Inc. Aboveground Filling/Dispensing Vapor Recovery System	11-30-1995	http://www.arb.ca.gov/vapor/above/g70116f.pdf - no cost
Env-Or 509.01(b)	G-70-118-AB Modification to the Certification of the Amoco Oil Company V-1 Bootless Nozzle Vapor Recovery System	03-31-1995	http://www.arb.ca.gov/vapor/eos/eo-118/eo-118ab/g70118ab.pdf - no cost
Env-Or 509.01(b)	G-70-125-AA Modification to the Certification of the Phase II Vapor Recovery Nozzles	03-16-1993	http://www.arb.ca.gov/vapor/eos/eo-125/125aa.pdf - no cost
Env-Or 509.01(b)	G-70-127 Certification of the OPW Model 111-V Phase II Balance Vapor Recovery Nozzle	08-16-1990	http://www.arb.ca.gov/vapor/eos/g70127.pdf - no cost
Env-Or 509.01(b)	G-70-128 Certification of Bryant Fuel Systems Aboveground Tank Filling/Dispensing Vapor Recovery System	08-27-1990	http://www.arb.ca.gov/vapor/above/g70128.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-130-A Certification of Sannipoli Corporation Petro Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	02-26-1993	http://www.arb.ca.gov/vapor/above/g70130a.pdf - no cost
Env-Or 509.01(b)	G-70-131-A Certification of Hallmark Industries Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	03-17-1992	http://www.arb.ca.gov/vapor/above/g70131a.pdf - no cost
Env-Or 509.01(b)	G-70-132-A Certification of Trusco Tank, Inc., Supervault Aboveground Tank Filling/Dispensing Vapor Recovery System	12-04-1992	http://www.arb.ca.gov/vapor/above/g70132a.pdf - no cost
Env-Or 509.01(b)	G-70-132-B Certification of Trusco Tank, Incorporated Supervault Aboveground Filling/Dispensing Vapor Recovery System	05-16-1995	http://www.arb.ca.gov/vapor/above/g70132b.pdf - no cost
Env-Or 509.01(b)	G-70-134 Certification of the EZ-flo Rebuilt A4000-Series and 11V-Series Vapor Recovery Nozzles	12-21-1990	http://www.arb.ca.gov/vapor/eos/g70134.pdf - no cost
Env-Or 509.01(b)	G-70-136 Certification of Ned Pepper, Incorporated FireSafe Aboveground Tank Filling/Dispensing Vapor Recovery System	04-15-1991	http://www.arb.ca.gov/vapor/above/g70136.pdf - no cost
Env-Or 509.01(b)	G-70-137 Certification of Ace Tank & Equipment Company Aboveground Tank Filling/Dispensing Vapor Recovery System "FuelSafe"	10-04-1991	http://www.arb.ca.gov/vapor/above/g70137.pdf - no cost
Env-Or 509.01(b)	G-70-139 Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	03-17-1992	http://www.arb.ca.gov/vapor/g70139.pdf - no cost
Env-Or 509.01(b)	G-70-140-A Certification of Integral Phase I and Phase II Aboveground Tank Configurations Using the Healy Phase II Vapor Recovery System	07-01-1992	http://www.arb.ca.gov/vapor/above/g70140a.pdf - no cost
Env-Or 509.01(b)	G-70-142-B Certification of a Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks	09-09-1994	http://www.arb.ca.gov/vapor/above/142b-legal.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-143 Certification of Teichert Precast P/T Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	08-07-1992	http://www.arb.ca.gov/vapor/above/g70143.pdf - no cost
Env-Or 509.01(b)	G-70-147-A Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	07-11-1996	http://www.arb.ca.gov/vapor/eos/eo-147/147a.pdf - no cost
Env-Or 509.01(b)	G-70-148-A Certification of Hoover Containment Systems, Inc. Lube Cube Aboveground Tank Filling/Dispensing Vapor Recovery System	05-04-1995	http://www.arb.ca.gov/vapor/above/g70148a.pdf - no cost
Env-Or 509.01(b)	G-70-150-AE Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	07-12-2000	http://www.arb.ca.gov/vapor/eos/eo-150/eo-150ae/150ae-all.pdf - no cost
Env-Or 509.01(b)	G-70-152 Certification of Moiser Brothers Tanks and Manufacturing Protected Aboveground Gasoline Tank Filling/Dispensing Vapor Recovery System	10-31-1993	http://www.arb.ca.gov/vapor/above/g70152.pdf - no cost
Env-Or 509.01(b)	G-70-153-AD Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	04-03-2000	http://www.arb.ca.gov/vapor/eos/eo-153/eo-153ad/153ad-all.pdf - no cost
Env-Or 509.01(b)	G-70-154-AA Modification to the Certification of Tokheim MaxVac Phase II Vapor Recovery System	06-10-1997	http://www.arb.ca.gov/vapor/eos/eo-154/eo-154aa/g70154aa.pdf - no cost
Env-Or 509.01(b)	G-70-155 Certification of Petroleum Marketing Services' Aboveground Tank Filling & Dispensing Vapor Recovery Systems	03-12-1994	http://www.arb.ca.gov/vapor/above/g70155.pdf - no cost
Env-Or 509.01(b)	G-70-156 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Vacuum Assist Vapor Recovery System	05-23-1994	http://www.arb.ca.gov/vapor/above/g70156.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-157 Certification of RECoVAULT Incorporated Ecovault Aboveground Tank Filling & Dispensing Balance Vapor Recovery System	05-23-1994	http://www.arb.ca.gov/vapor/above/g70157.pdf - no cost
Env-Or 509.01(b)	G-70-158-A Certification of San Luis Tank Piping Construction Co., Inc. Firesafe Aboveground Filling/Dispensing Vapor Recovery System	03-24-1995	http://www.arb.ca.gov/vapor/above/g70158a.pdf - no cost
Env-Or 509.01(b)	G-70-159-AB Modification to the Certification of the Saber Nozzle for Use with Specified Phase II Vapor Recovery Systems	07-17-1995	http://www.arb.ca.gov/vapor/eos/eo-159/159ab.pdf - no cost
Env-Or 509.01(b)	G-70-160 Certification of Above Ground Tank Vault Aboveground Tank Filling/Dispensing Vapor Recovery System	11-09-1994	http://www.arb.ca.gov/vapor/above/g70160.pdf - no cost
Env-Or 509.01(b)	G-70-161 Certification of Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Filling/Dispensing Vapor Recovery System	11-30-1994	http://www.arb.ca.gov/vapor/above/g70161.pdf - no cost
Env-Or 509.01(b)	G-70-162-A Certification of Steel Tank Institute Fireguard Aboveground Tank Filling/Dispensing Vapor Recovery System	03-02-1998	http://www.arb.ca.gov/vapor/above/162-a-legal.pdf - no cost
Env-Or 509.01(b)	G-70-163-AA Modification to the Certification of the OPW VaporEZ Phase II Vapor Recovery System	09-04-1996	http://www.arb.ca.gov/vapor/eos/eo-163/163aa.pdf - no cost
Env-Or 509.01(b)	G-70-164-AA Modification to Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12-10-1996	http://www.arb.ca.gov/vapor/eos/eo-164/164aa.pdf - no cost
Env-Or 509.01(b)	G-70-167 Certification of Bakersfield Tank Company Enviro-Vault Aboveground Filling/Dispensing Vapor Recovery System	01-09-1996	http://www.arb.ca.gov/vapor/above/g70167.pdf - no cost
Env-Or 509.01(b)	G-70-168 Bryant Fuel Systems Phase I Vapor Recovery Systems	10-15-1995	http://www.arb.ca.gov/vapor/above/g70168.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-169-AA Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	08-11-1997	http://www.arb.ca.gov/vapor/eos/eo-169/169aa.pdf - no cost
Env-Or 509.01(b)	G-70-170 Certification of the EZ-flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	02-22-1996	http://www.arb.ca.gov/vapor/eos/g70170.pdf - no cost
Env-Or 509.01(b)	G-70-175 Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems	04-18-1996	http://www.arb.ca.gov/vapor/above/g70175.pdf - no cost
Env-Or 509.01(b)	G-70-177-AA Modification of the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	12-09-1999	http://www.arb.ca.gov/vapor/eos/eo-177/eo-177aa/177aa-all.pdf - no cost
Env-Or 509.01(b)	G-70-179 Certification of the Catlow ICVN-VI Vacuum Assist Phase II Vapor Recovery System	07-02-1997	http://www.arb.ca.gov/vapor/eos/eo-179/g70179.pdf - no cost
Env-Or 509.01(b)	G-70-180 Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	04-17-1997	http://www.arb.ca.gov/vapor/eos/g70180.pdf - no cost
Env-Or 509.01(b)	G-70-183-AA Relating to Language Correction in Existing Executive Order G-70-183 (Healy Systems, Inc.)	06-29-2001	http://www.arb.ca.gov/vapor/eos/eo-183/eo-183aa/183aa.pdf - no cost
Env-Or 509.01(b)	G-70-188 Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	05-18-1999	http://www.arb.ca.gov/vapor/eos/eo-188/g70188.pdf - no cost
Env-Or 509.01(b)	G-70-190 Certification of Guardian Containment, Corporation Armor Cast Aboveground Tank Filling/Dispensing Vapor Recovery System	10-08-1999	http://www.arb.ca.gov/vapor/above/g70190.pdf - no cost
Env-Or 509.01(b)	G-70-191-AA Relating to Language Correction in Existing Executive Order G-70-191 (Healy Systems, Inc.)	07-30-2001	http://www.arb.ca.gov/vapor/eos/eo-191/eo-191aa/191aa.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-192 Certification of the Healy Model 400 ORVR Nozzle for Existing Aboveground Storage Tank Systems	11-24-1999	http://www.arb.ca.gov/vapor/above/g70192.pdf - no cost
Env-Or 509.01(b)	G-70-193 Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems	12-09-1999	http://www.arb.ca.gov/vapor/above/g70193all.pdf - no cost
Env-Or 509.01(b)	G-70-194 Certification of Containment Solutions Rectangular and Cylindrical Hoover Vault Aboveground Tank Filling/Dispensing Vapor Recovery Systems	05-11-2000	http://www.arb.ca.gov/vapor/above/g70194.pdf - no cost
Env-Or 509.01(b)	G-70-195 Certification of The Cretex Companies, Inc FuelVault Aboveground Tank Filling/Dispensing Vapor Recovery System	03-31-2000	http://www.arb.ca.gov/vapor/above/g70195.pdf - no cost
Env-Or 509.01(b)	G-70-196 Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12-30-2000	http://www.arb.ca.gov/vapor/eos/eo-196/196-all.pdf - no cost
Env-Or 509.01(b)	G-70-197 Certification of the Synchrotek Fastflo 3 Phase II Vapor Recovery System	06-25-2001	http://www.arb.ca.gov/vapor/above/g70197.pdf - no cost
Env-Or 509.01(b)	G-70-198 Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards	06-04-2001	http://www.arb.ca.gov/vapor/eos/eo-198/eo-198.pdf - no cost
Env-Or 509.01(b)	G-70-199-AH Relating to Certification of Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed	01-23-2002	http://www.arb.ca.gov/vapor/eos/eo-199/eo-199ah.pdf - no cost
Env-Or 509.01(b)	G-70-200 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70200.pdf - no cost

Rule Section	Title	Dated	Obtain at:
Env-Or 509.01(b)	G-70-201 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70201.pdf - no cost
Env-Or 509.01(b)	G-70-202 Relating to Site-Specific Certification of the Oldcastle Aboveground Below-Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping	04-22-2002	http://www.arb.ca.gov/vapor/above/g70202.pdf - no cost
Env-Or 509.01(b)	VR-101-B Phil-Tite Phase I Vapor Recovery System With Ball Float Overfill Prevention	07-12-2002	http://www.arb.ca.gov/vapor/eos/eo-vr101/eo-vr101b/vr101b.pdf - no cost
Env-Or 509.01(b)	VR-102-A OPW Phase I Vapor Recovery System	10-10-2002	http://www.arb.ca.gov/vapor/eos/eo-vr102/eo-vr102a/vr102a_final.pdf - no cost
Env-Or 509.01(b)	VR-203-A Vapor Systems Technologies, Inc. Phase II Enhanced Vapor Recovery (EVR) Not Including In-Station Diagnostics (ISD)	11-05-2007	http://www.arb.ca.gov/vapor/eos/eo-vr203/eo-vr203a/vr203a.pdf - no cost
Env-Or 509.01(b)	Approval Letter #07-08 Catlow Model CTMVA Cam Twist Breakaway	11-07-2007	http://www.arb.ca.gov/vapor/approval/cal-07/07-08.pdf - no cost
Env-Or 509.01(b)	Approval Letter #09-02 Reinstatement Of Enhanced Vapor Recovery (EVR) Phase II Balance Components As The Only Approved Replacement Components For Balance Phase II Systems	06-01-2009	http://www.arb.ca.gov/vapor/approval/cal-09/09-02.pdf - no cost
Env-Or 509.01(b)	CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities	02-09-2005	http://www.arb.ca.gov/testmeth/vol2/cp201_feb2005.pdf - no cost

Appendix B: State and Federal Statutes Implemented

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 501	RSA 125-C:4, I(a)	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 502	RSA 125-C:4, I(a) XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 503	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Rule Section(s)	State Statute(s) Implemented	Federal Statutes Implemented
Env-Or 504	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 505	RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 506	RSA 125-C:4, I(a); RSA 125-C:6, II & XIV; RSA 125-C:12, I	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 507	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)
Env-Or 508	RSA 125-C:4, I(m); RSA 541-A:22, IV	
Env-Or 509	RSA 125-C:6, XIV	42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

Appendix C: Definitions from State Statutes and Federal Rules

RSA 125-C:2, II: "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

RSA 125-C:2, VIII: "Emission" means a release into the outdoor air of air contaminants.

40 CFR §63.11132: "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

40 CFR §51.100: "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect."

Appendix D: PV Vent Cap Pressure and Vacuum Requirements in effect immediately prior to the 2012 effective date of this chapter

Env-Wm 1404.06 Stage I Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an underground gasoline storage tank as follows:

(1) For pressure, 13.8 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 0.9 inches water column vacuum (0.5 oz/in^2).

(d) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install PV vent caps on an aboveground gasoline storage tank as follows:

(1) For pressure, the lower of the following two values:

a. A pressure setting of 10% of the maximum allowable working pressure of the tank; or

b. A pressure setting of 13.9 inches water column pressure (8.0 oz/in^2); and

(2) For vacuum, 3.0 inches water column vacuum (1.7 oz/in^2).

Env-Wm 1404.18 Stage II Physical Requirements.

(b) Unless otherwise specified for a certified vapor recovery system, the owner or operator shall install a stage II system with a PV vent cap setting as follows:

(1) For pressure, 3.0 inches water column pressure (1.7 oz/in^2); and

(2) For vacuum, 8.0 inches water column vacuum (4.6 oz/in^2).

EVIDENCE OF PUBLIC NOTICE

40 CFR Part 51, Appendix V, 2.1(f)

PUBLIC NOTICE OF HEARING

STATE IMPLEMENTATION PLAN REVISION

APRIL 22, 2013

UNION LEADER CORPORATION

P O BOX 9513
MANCHESTER, NH 03108

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NEW HAMPSHIRE

APR 24 2013

AIR RESOURCES DIVISION

0000059625
STATE OF NH – AIR RESOURCES CO
ATTN: VALERIE DAVID
PO BOX 95
CONCORD NH 03302–0095

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On:
04/22/2013.

State of New Hampshire
Hillsborough County

Subscribed and sworn to before me this

22 **day of** April 2013

Phyllis E Manning
Notary Public

PHYLLIS E. MANNING
MY COMMISSION EXPIRES MAR. 10, 2015
NOTARY PUBLIC
NEW HAMPSHIRE

STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
AIR RESOURCES DIVISION
CONCORD, NEW HAMPSHIRE

NOTICE OF PUBLIC HEARING

In accordance with New Hampshire Administrative Rule Env-A 204.01(b) and Title 40 of the Code of Federal Regulations (CFR) Section 51.102, notice is hereby given that the New Hampshire Department of Environmental Services, Air Resources Division (DES) intends to hold a public hearing on the following proposed revisions to the New Hampshire State Implementation Plan (SIP) required by the federal Clean Air Act:

- The replacement of Env-A 1205, *Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks* with Env-Or 500, *Recovery of Gasoline Vapors.*

- The termination of the Stage II vapor recovery program in New Hampshire.

DES recently updated Env-Wm 1404, formerly Env-A 1205 *Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks*. The revised rules, now codified as Env-Or 500 and renamed *Recovery of Gasoline Vapors,* eliminate the requirement that new gasoline dispensing facilities in Hillsborough, Merrimack, Rockingham, and Strafford counties install Stage II systems, and require the decommissioning of existing Stage II systems by December 22, 2015. A 30-day public comment period and a hearing were held for the revised rules, which were then adopted by the DES Commissioner effective November 17, 2012.

The Department has scheduled a public hearing on this SIP revision for 10:00 a.m., Friday, May 24, 2013, in Room 214 at 29 Hazen Drive, Concord, NH 03301. All comments on the proposed SIP revision must be received by 4:00 p.m. on Friday, May 24, 2013, to be entered into the record.

Copies of all documentation pertaining to the proposed SIP revision are available for inspection online at: http://des.nh.gov/ under "Hot Topics". The documents are also available for review at the DES offices at 29 Hazen Drive, Concord, N.H. The public is invited to submit written comments on the proposal no later than 4 p.m. on May 24, 2013, to be considered by DES in making a final decision. Please submit comments to Barbara Hoffman, SIP Planning Manager, PO Box 95, Concord, NH 03302-0095, Fax (603) 271-1381, or to mailto:barbara.hoffman@des.nh.gov. For more information or to make arrangements for anyone wishing to attend the hearing who may need special assistance, please call Barbara Hoffman at (603) 271-7874.

Craig A. Wright
Acting Director, Air Resources Division
NH Department of Environmental Services

Dated: April 22, 2013

PUBLIC NOTICE OF COMMENT PERIOD AND OPPORTUNITY TO REQUEST PUBLIC HEARING

STATE IMPLEMENTATION PLAN REVISION

MARCH 25, 2013

UNION LEADER CORPORATION

P O BOX 9513
MANCHESTER, NH 03108

0000059625
STATE OF NH - AIR RESOURCES CO
ATTN: VALERIE DAVID
PO BOX 95
CONCORD NH 03302-0095

I hereby certify that the legal notice: (0000483640) STATE IMPLEMENTATION PLAN
was published in the New Hampshire Union Leader
printed at Manchester, NH by the Union Leader Corp.
On:
03/25/2013.

RECEIVED
NEW HAMPSHIRE

MAR 26 2013

AIR RESOURCES DIVISION

State of N w Hampshire
Hillsborough County

Subscrib d and sworn to before me this

25 **day of** March 2013

Phyllis E Manning
Notary Public

PHYLLIS E. MANNING
MY COMMISSION EXPIRES MAR 10, 2015
NOTARY PUBLIC
NEW HAMPSHIRE

STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
AIR RESOURCES DIVISION
CONCORD, NH

NOTICE OF PROPOSED REVISIONS TO THE STATE IMPLEMENTATION PLAN

In accordance with N.H. Administrative Rule Env-A 204.01 and 40 CFR § 51.102, notice is hereby given that the New Hampshire Department of Environmental Services, Air Resources Division (DES), intends to submit for the approval of the U.S. Environmental Protection Agency (EPA) the following proposed revisions to the New Hampshire State Implementation Plan (SIP) required by the federal Clean Air Act:

- The replacement of Env-A 1205, *Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks* with Env-Or 500, *Recovery of Gasoline Vapors.*

- The termination of the Stage II vapor recovery program in New Hampshire.

DES recently updated Env-Wm 1404, formerly Env-A 1205 *Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks* The revised rules, now codified as Env-Or 500 and renamed *Recovery of Gasoline Vapors,* eliminate the requirement that new gasoline dispensing facilities in Hillsborough, Merrimack, Rockingham, and Strafford counties install Stage II systems and require the decommissioning of existing Stage II systems by December 22, 2015. A 30-day public comment period and a hearing were held for the revised rules, which were then adopted by the DES Commissioner effective November 17, 2012.

EPA developed standards for on-board refueling vapor recovery (ORVR) controls on new light-duty motor vehicles, which were promulgated and phased in between 1998 and 2002. Vacuum-assist Stage II systems, which predominate in New Hampshire, are not fully compatible with ORVR-equipped vehicles. Studies have demonstrated that the use of both systems results in an increase in emissions when compared to the refueling of a non-ORVR-equipped vehicle. Due to the recognized conflict with ORVR technology and the potential for this conflicting technology to actually increase refueling related emissions as the ORVR-equipped fleet becomes predominant, DES now seeks to remove the Stage II vapor recovery control system requirement as an element of the New Hampshire SIP.

Copies of all documentation pertaining to the proposed SIP revision are available for inspection online at: http://des.nh.gov/ under "Hot Topics". The documents are also available for review at the DES offices at 29 Hazen Drive, Concord, N.H. The public is invited to ask questions or submit written comments on the proposal, and DES will hold a public hearing if one is requested by April 26, 2013. Written comments and/or any requests for a public hearing filed and received no later than 4 p.m. on April 26, 2013, shall be considered by DES in making a final decision. Please submit comments or a request for hearing to Barbara Hoffman, SIP Planning Manager, PO Box 95, Concord, NH 03302-0095, Fax (603) 271-1381, or to mailto:barbara.hoffman@des.nh.gov.

Craig A. Wright, Acting Director
Air Resources Division
NH Department of Environmental Services

Dated: March 25, 2013

PUBLIC NOTICE OF RULEMAKING

STATE IMPLEMENTATION PLAN REVISION

AUGUST 16, 2012

UNION LEADER CORPORATION

P O BOX 9513
MANCHESTER, NH 03108

RECEIVED
NEW HAMPSHIRE
AUG 21 2012
AIR RESOURCES DIVISION

0000059625
STATE OF NH/ AIR RESOURCES COM
VALERIE DAVID
PO BOX 95
CONCORD NH 03302-0095

I hereby certify that the legal notice: (0000172630) PUB. HEARING 9/21 - 11AM
was published in the New Hampshire Union Leader
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On:
08/16/2012.

Stat of New Hampshire
Hillsborough County

Subscribed and sworn to before me this

16th day of August 2012

Heidi A Gagnon
Notary Public

HEIDI A. GAGNON
MY COMMISSION EXPIRES JULY 13, 2016
NOTARY PUBLIC
NEW HAMPSHIRE

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES AIR RESOURCES DIVISION CONCORD, NH NOTICE OF PUBLIC HEARING In accordance with RSA 541-A:6 and N.H. Admin. Rule Env-A 204.01(b) and 40 CFR 51.102, notice is hereby given that the New Hampshire Department of Environmental Services, (the Department), will hold a public hearing on proposed amendments to the NH Code of Administrative Rules and the State Implementation Plan on Friday, September 21, 2012. The public hearing will be held in Rooms 112 -113, first floor of the offices of the Department, 29 Hazen Drive, Concord, NH. At 11:00 a.m. on Friday, September 21, 2012, the Department will receive testimony from the public concerning the proposed readoption with amendments of Env-Wm 1404: Volatile Organic Compounds (VOCs): Gasoline Dispensing Facilities, Bulk Gasoline Plants, and Cargo Trucks. The existing rules regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with 182(b)(3) and 184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The proposal is a readoption of the existing rules with amendments that will: (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217; and (4) redesignate the rules into the Env-Or (Oil and Remediation) subtitle as Env-Or 500. Some additional recordkeeping, reporting, and testing requirements also are proposed. Testimony may be presented orally and/or in writing at the public hearing. The Department will receive written comments on the proposed rules until 4:00 p.m. on Friday, September 28, 2012. Please submit written comments to Michael W. Juranty, P.E., Oil Compliance Section, NH Department of Environmental Services, P.O. Box 95, Concord, NH 03302-0095, Fax (603) 271-2182 or e-mail at Michael.Juranty@des.nh.gov. Copies of all documentation pertaining to rulemakings for all DES rules are available for inspection at the offices of the Department at the address stated above. The proposed rule is also posted at http://des.nh.gov/organizatio n/commissioner/legal/rulemakin g/index.htm. Questions regarding the proposed rulemaking should be directed to Michael Juranty at (603) 271-6058. Thomas S. Burack Commissioner NH Department of Environmental Services Dated: August 16, 2012

Appeared in: ***The Union Leader*** on Thursday, 08/16/2012

CERTIFICATION OF PUBLIC HEARING

40 CFR Part 51, Appendix V, 2.1(g)

CERTIFICATION OF STATE IMPLEMENTATION PLAN HEARING PROCESS

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

CERTIFICATION OF PUBLIC PROCESS

I hereby certify that:

In accordance with N.H. Administrative Rule Env-A 204.01(b) and 40 CFR § 51.102, public notice was given that the New Hampshire Department of Environmental Services, Air Resources Division, intended to submit for the approval of the U.S. Environmental Protection Agency (EPA) revisions to the New Hampshire State Implementation Plan (SIP) to replace Env-A 1205, Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trunks, with the following rule: Env-Or 500, Recovery of Gasoline Vapors, and to terminate the Stage II vapor recovery program in New Hampshire.

A public hearing on the SIP revision was held on May 24, 2013 at 10:00 a.m. at the Department of Environmental Services, Room 214, 29 Hazen Drive, Concord, NH. Opportunity was provided to receive oral comments during the hearing or written comments at any time up to 4:00 p.m. on the hearing date, for consideration by the Department in making a final decision.

A complete record of the public hearing is available on tape at the offices of the New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH.

A copy of the SIP revision was available for public inspection at the Department's offices at 29 Hazen Drive, Concord, NH, during regular working hours from 8:00 a.m. to 4:00 p.m., Monday through Friday, throughout the comment period. The SIP revision was also available for downloading from the Department's website at http://des.nh.gov.

The notice was published in the *Union Leader*, a newspaper of general, statewide circulation, on April 22, 2013, more than thirty days prior to the date of the hearing. Prior to that notice, a notice was published in the *Union Leader* on March 25, 2013, opening the comment period and offering the opportunity to request a public hearing by April 26, 2013.

The above statements are true to the best of my knowledge and belief.

Craig A Wright

Craig A. Wright
Acting Director, Air Resources Division

June 18, 2013
Date

DES Web Site: **www.des.nh.gov**
P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3503 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

CERTIFICATION OF RULEMAKING HEARING PROCESS

The State of New Hampshire
Department of Environmental Services
Thomas S. Burack, Commissioner

Celebrating 25 years of protecting New Hampshire's environment.

November 26, 2012

I Hereby Certify:

That, in accordance with the provisions of NH RSA 541-A:11 and section 110(a) of the Clean Air Act, as amended, public notice was given specifying that a public hearing regarding the proposed readoption with amendments of Env-Wm 1404, formerly codified as Env-A 1205, to be re-codified as Env-Or 500, of the NH Code of Administrative Rules was to be held on September 21, 2012 at 11:00 a.m. in rooms 112 and 113 of the offices of the New Hampshire Department of Environmental Services, Air Resources Division, 29 Hazen Drive, Concord, NH. The notice was published at least 30 days prior to the date of such hearing in a newspaper of general circulation. The notice stated that copies of documentation regarding the proposed readoption with amendments and recodification of Env-Wm 1404 of the NH Code of Administrative Rules could be examined at the Department's offices or at http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm.

That the public hearing was held on September 21, 2012 at 11:00 a.m. in rooms 112 and 113 of the offices of the New Hampshire Department of Environmental Services, Air Resources Division, 29 Hazen Drive, Concord, NH, in accordance with the public notice.

That the above statements are true to the best of my knowledge and belief.

Craig A. Wright
Acting Director
Air Resources Division

COMPILATION OF PUBLIC COMMENTS AND NEW HAMPSHIRE'S RESPONSE THERETO

40 CFR Part 51, Appendix V, 2.1(h)

STATE IMPLEMENTATION PLAN COMMENTS AND RESPONSES

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

SUMMARY OF AND RESPONSE TO COMMENTS ON THE PROPOSED SIP REVISION TO TERMINATE THE STAGE II VAPOR RECOVERY PROGRAM
JUNE 17, 2013

The New Hampshire Department of Environmental Services (NHDES) established a public comment period from March 25, 2013 until May 24, 2013, and held a public hearing on May 24, 2013, to receive comments on its proposal to revise the New Hampshire State Implementation Plan (SIP) to terminate the Stage II vapor recovery program. Timely written comments were received from the U.S. Environmental Protection Agency, Region I (EPA) on April 23, 2013, and Arid Technologies, Inc. (Arid), on April 10, 2013. The following summarizes and responds to those comments.

EPA Comments #1 and #3: On page 4, the footnotes for Equations 1 and 2 are incorrect and should reference *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures,* U. S. EPA Office of Air Quality Planning and Standards (EPA-457/B-12-001) August 7, 2012.

NHDES Response: NHDES agrees and made the requested changes.

EPA Comment #2: On page 4, the term "$VMT_{ORVR2012}$" in Equation 1 should be defined as "The fraction of vehicle miles traveled by ORVR-equipped vehicles."

NHDES Response: The requested change has been made.

EPA Comment #4: In Attachment 1, Equation 2, the footnote reference should be changed to read "0.98^1."

NHDES Response: NHDES agrees and made the requested change.

EPA Comment #5: In Attachment 1, Equation 3, the footnote reference to "gal^3" should be changed to read "gal^2."

NHDES Response: NHDES agrees and made the requested change.

EPA Comment #6: In Attachment 1, page 3, the text concerning Reformulated Gasoline appears to have been included by mistake and should be deleted because it is irrelevant to the proposed SIP revision.

NHDES Response: NHDES agrees and made the requested change.

DES Web Site: **www.des.nh.gov**
P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3503 Fax: (603) 271-2867 TDD Access: Relay NH 1-800-735-2964

EPA Comment #7: The adopted regulation appears to adequately address EPA's previous comments on the proposed regulation.

NHDES Response: NHDES agrees, so no change to the regulation is necessary.

Arid Comment #1: The Stage II program should be retained, because the presence of a Stage II system acts as a "backstop" to provide a chance to capture the refueling emissions from non--ORVR vehicles.

NHDES Response: EPA predicts that by 2020, almost 94% of all gasoline dispensed into motor vehicles will be dispensed into ORVR vehicles. (77 FR 28772, 28776 (May 16, 2012)) Unlike Stage II, which is only a requirement in ozone nonattainment areas, ORVR requirements apply to vehicles everywhere. In addition, ORVR captures 98% of refueling emissions, while Stage II captures only 70%, on average. (Id., at 28777) Thus, the percentage of refueling emissions being captured by ORVR now exceeds that captured by Stage II systems in New Hampshire. In addition, Stage II vacuum-assist vapor recovery systems, the type that are/were predominantly used in New Hampshire, are incompatible with ORVR systems, actually creating more refueling emissions for the motorists driving ORVR-equipped vehicles than if the gas dispensing facility had no Stage II system.*

Arid Comment #2: When storage tank breathing losses (STBL) are properly accounted for and added back to the emissions inventory, the ORVR without Stage II case never provides for the maximum amount of emissions reductions.

*NHDES Response: In the EPA Memorandum ''Onboard Refueling Vapor Recovery Widespread Use Assessment'' (available in EPA's Docket ID No. EPA–HQ–OAR–2010–1076.), the EPA determined that for separate Stage II and ORVR refueling events, spillage and breathing loss emission rates are similar. The commenter used a spreadsheet to recreate de la Torre Klausmeier Consulting's data about refueling emissions when using ORVR or Stage II. The consultant, on the other hand, used the MOVES model, which is a sophisticated tool with many inputs, and its use by states is required by EPA for SIP submittals. The consultant concluded that, in Connecticut, making vacuum-assist Stage II systems compatible with ORVR would "result in 0.9 to 1.3 tons per day emission reductions in 2014. This measure, however, is expensive at a cost of $21,000 to $31,000 per ton. Adopting Stage II improvements included in the CA EVR program increases benefits by 0.1 to 0.5 tons per day at a cost of $32,000 per ton."** Given such costs, as well as EPA's guidance, DES does not intend to change its position.*

* New Hampshire identified comparable measures to avoid application of the OTR statewide Stage II requirement in attainment areas.

** "Analysis of Future Options for Connecticut's Gasoline Dispensing Facility Vapor Control Program," Rob Klausmeier, de la Torre Klausmeier Consulting (June 4, 2012).

Arid Comment #3: At a non--Stage II GDF, in addition to the problem of STBL, non--ORVR vehicle refueling will directly expose the motorist (and nearby people) to carcinogenic vapors, increasing toxic exposure risk factors.

NHDES Response: Appropriate emissions reduction measures and protections are in place to ensure public health, such as the federal NESHAP rule 40 CFR 63 Subpart

CCCCCC, promulgated in 2008, and the 2007 Control of Hazardous Pollutants from Mobile Sources, 40 CFR 80, 85, and 86, known collectively as the Mobile Source Air Toxics (MSAT) rule.

RULEMAKING COMMENTS AND RESPONSES

The State of New Hampshire
Department of Environmental Services
Thomas S. Burack, Commissioner

Celebrating 25 Years of Protecting New Hampshire's Environment

FP 2012-111, Env-Or 500 Recovery of Gasoline Vapors
Summary of Comments on Initial Proposal with DES Responses
October 31, 2012

Introduction

The existing rules, Env-Wm 1404, regulate emissions of volatile organic compounds (VOCs) from gasoline storage tanks, gasoline dispensing facilities, bulk gasoline plants, and cargo trucks in accordance with sections 182(b)(3) and 184 of the Clean Air Act, as amended. (These rules originally were adopted as Env-A 1205 but were moved to the Env-Wm subtitle when the vapor recovery program was merged with the underground storage tank program to achieve greater efficiencies.) The rules were due to expire on August 21, 2012, and were proposed to be readopted with amendment so as to continue the vapor recovery program. The amendments are primarily intended to (1) clarify existing requirements; (2) align the rules with federal standards that were not yet reflected in the rules; (3) remove bulk gasoline loading terminals as defined in Env-A 1202.22 and bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217; and (4) redesignate the rules into the Env-Or (Oil and Remediation) subtitle. Some additional recordkeeping, reporting, and testing requirements also were proposed.

DES received written comments on the Initial Proposal from the U.S. Environmental Protection Agency (EPA), the Office of Legislative Services/Administrative Rules (OLS), the Independent Oil Marketers Association of New England (IOMA), Arid Technologies, Inc., and Crompco, LLC. The comments and DES responses thereto are summarized below.

From EPA:

Env-Or 502 - Definitions

EPA Comment #1: The definition of "Reid Vapor Pressure" should not be removed since the term is referenced in the definition of "Gasoline."

DES Response: DES had proposed deleting this definition since it is a common, well-defined term. To avoid any confusion, DES has reinserted the definition in the final proposed rule.

Env-Or 503.03(a)

EPA Comment #2: DES should amend this section to require facilities to "record daily gasoline throughput."

DES Response: DES agrees that, to determine throughput per rolling 30-day period, daily throughput records are needed. DES has made the requested change in the final proposed rule.

Env-Or 504.05 and other sections referencing "political subdivisions"

EPA Comment #3: DES may want to define "political subdivisions" as the term is used here and throughout the chapter.

DES Response: The term is defined and used frequently in New Hampshire statutes, so defining it here would be duplicative.

Env-A 504.11(e)

EPA Comment #4: This subsection requires a gas dispensing facility (GDF) to perform certain tests if monthly throughput exceeds 100,000 gallons. Consistent with the National Emission Standard for Hazardous Air Pollutants (NESHAP) for gasoline vapors at 40 CFR Part 63, Subpart CCCCCC, DES should add a requirement that the GDF will remain subject to the testing requirement even if the monthly throughput later falls below that threshold.

DES Response: DES agrees and has added the requirement to the final proposed rule.

Env-Or 504.07(a)(1) testing based on monthly throughput

EPA Comment #5: DES should require sources to calculate monthly throughput consistent with the NESHAP definition for "monthly throughput," which is: ". . . [T]he total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

DES Response: DES agrees and has added the definition to Env-Or 502 in the final proposed rule.

Env-Or 504.10 static pressure test

EPA Comment #6: The static pressure test required by DES, CARB's TP-201.3 at 10" water column ("WC"), is different from the test required by the GDF NESHAP, CARB's TP-201.3 at 2" WC, amended March 17, 1999. A GDF subject to the NESHAP will be required to conduct both tests unless DES changes its test or requests EPA approval of an alternative test.

DES Response: Although both the current rules and the IP specify that a pressure decay test shall be performed in accordance with CARB TP-201.3 as amended March 17, 1999, performed at 10" WC, this is in fact an erroneous citation. The correct citation is CARB TP-201.3A, adopted April 12, 1996, performed at 10" WC. DES has corrected the citation in the final proposed rule and intends to submit a request for EPA to approve such test as an alternative to CARB TP-201.3 as cited by NESHAP. See also responses to IOMA comment #3 and Crompco comment #4, below.

Env-Or 506.04(b) and Env-Or 507.07(b) recordkeeping

*EPA Comment # 7: Env-Or 506.04(b) should be revised to read: "Provide the following records to the department **and/or EPA** upon request . . ." Env-Or 507.07(b) should be revised to read: ". . .shall provide the documents listed in (a), above, to the department **and/or EPA** for inspection and copying upon request."*

DES Response: Since these rules will be submitted to EPA as a revision to the State Implementation Plan (SIP), which EPA will incorporate by reference into federal rules, DES believes that adding this language will reflect that EPA will have the authority to request these records. Adding the language will alert the GDFs of this as well. However, the construction "and/or" is not allowed under New Hampshire rule drafting requirements, so an alternate construction has been used.

Env-Or 508 waivers

*EPA Comment #8: Since the definition of "applicant" has been removed from the rule, Env-Or 508.02(b)(7) should read: "A full explanation of why the ~~applicant~~ **requestor** believes that having the waiver . . ."*

DES Response: DES agrees and has made the change in the final proposed rule.

EPA Comment #9: The rule should specify that waivers must be approved by both DES and EPA.

DES Response: Env-Or 508.03(c) reads: "No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement, unless the federal statute or regulation that establishes the requirement allows for waivers and EPA does not object to the waiver being granted." DES believes that this provision ensures that EPA has a say in whether a waiver is granted by DES. To clarify that DES

will notify EPA of waiver requests received pursuant to this part, DES has added paragraph (e) to Env-Or 508.02 in the final proposed rule, which requires DES to transmit a copy of the waiver request to EPA within 5 working days of receipt.

SIP Requirements

EPA Comment #10: The adopted rule should be submitted to EPA as a SIP revision, and the submittal should discuss "anti-backsliding" and "comparable measures" as required by the Clean Air Act and as implemented by EPA to demonstrate why the submittal should be approved.

DES Response: DES intends to submit the rule as a SIP revision and address those concepts associated with the phase-out of the Stage II program.

From IOMA:

Env-Or 504.04 and Env-Or 504.05 maintenance inspections

IOMA Comment #1: DES should allow compliance with RSA 146-C:19 to satisfy the monthly inspection requirements of Env-Or 504.04.

DES Response: RSA 146-C:19, II, provides detailed requirements for monthly visual inspections of underground storage facilities. These requirements are very similar to those in Env-Or 504.04. DES has been telling owners and operators that keeping track of the monthly inspections on the form provided for RSA 146-C:19, II will suffice as documentation for the monthly inspections conducted pursuant to Env-Wm 1404. The same will be true for Env-Or 500. We can state this as such on the form.

Env-Or 504.06 Cleaning threads on pipes

IOMA Comment #2: DES should eliminate the annual requirement to remove the adaptor and riser caps and clean the threads. Facility owners check these caps for tightness 12 times per year and address any problems found then. IOMA believes this requirement is unnecessary and costly.

DES Response: DES agrees that monthly inspections should catch tightness issues, but retained this requirement partly so that caps would be easier to remove for tests that are required every 3 years. However, since an owner/operator can best decide how to handle cap removal, DES has deleted this requirement from the final proposed rule.

Env-Or 504.08 [*sic*] and Env-Or 505.03 pressure decay testing

IOMA Comment #3: IOMA understands that this is a federal requirement and, thus, drops its opposition to pressure decay testing and suggests that DES provide outreach to newly affected facilities. Additionally, IOMA supports a 2" WC test as opposed to the DES 10" WC test, because the latter puts more stress on the system.

DES Response: Field experience has shown that the CARB 201.3A at 10″ WC test significantly improves an inspector's ability to discover tank top leaks over the CARB 201.3 test. The 10″ WC (0.36 pounds per square inch) is within the pressure tolerance of tank systems, approximates the industry standard "1.5 times the operating pressure" for tightness tests, and is less than the current maximum operating pressure (13.8″ WC) for Stage I systems. Therefore, DES does not believe that the 10″ WC puts undue stress on the system. Finally, the 2″ WC test (CARB 203.1) requires removal of fill caps during testing to check vapor tightness of overfill protection flapper valves and fill drop tubes. DES and industry are aware that such testing in New Hampshire would result in owners/ operators having to replace existing flapper valves and fill drop tubes with expensive CARB approved devices (approximately $1,200 per tank system). Since DES inspectors regularly remove those components for visual confirmation of functionality and those devices are isolated from the environment, DES does not believe that the CARB 203.1 test is ultimately appropriate for New Hampshire. See also responses to EPA comment #6, above, and Crompco comment #4, below.

Env-Or 506.04 recordkeeping

IOMA Comment #4: DES should allow records to be kept in a central location rather than on site. IOMA believes that environmental records would be safer at a corporate office than at the GDF.

DES Response: DES wants the records to be safe but also available during DES or EPA inspections. DES has revised the language to require the records to be "available during a department or EPA inspection" in the final proposed rule.

From Arid Technologies, Inc.:

Env-Or 505.02 Stage II exemptions

Comment: DES should not allow the removal of Stage II vapor recovery equipment because it will increase emissions to the environment and accelerate health risks for motorists, GDF employees and members of the Community.

DES Response: DES is eliminating Stage II requirements in accordance with EPA findings and guidance with respect to the widespread use of onboard refueling vapor recovery (ORVR) systems and has determined that appropriate emissions reduction measures and protections are in place to ensure public health, such as the federal NESHAP rule 40 CFR 63 Subpart CCCCCC promulgated in 2008 and the 2007 Control of Hazardous Pollutants from Mobile Sources, 40 CFR 80, 85, and 86, known collectively as the Mobile Source Air Toxics (MSAT) rule, and New Hampshire Code of Admin. Rules Env-A 1400 regarding Regulated Toxic Air Pollutants.

From Crompco:

Env-Or 505.11(e) vapor release notification

Crompco Comment #1: The rule requires DES to be notified within 24 hours of a test failure if vapor is released to the environment. DES should give the owner/operator more time to investigate and repair the system before notifying DES.

DES Response: The reason for providing notice within 24 hours of a vapor release is for DES and local fire departments to assess and be responsive to any fire hazard or soil/ground water contamination created by the release. DES did not make a change in the final proposed rule as a result of this comment.

Env-Or 506.04 recordkeeping

Crompco Comment #2: DES should change the requirement for records to be retained on site to requiring that they be "readily available" electronically or otherwise.

DES Response: See response to IOMA comment #4, above.

Env-Or 505.12(b) calibration of gasoline measuring devices

Crompco Comment #3: DES should not require that gasoline dispensers be calibrated prior to Stage II testing, as the potential variance of a dispenser that is out of tolerance is so negligible for testing purposes.

DES Response: Gasoline dispensers are required to be calibrated after installation to insure that consumers are receiving the amount of gasoline for which they are paying. This rule does not require that they be calibrated prior to each test, only that they have been calibrated before the first test. DES did not make a change in the final proposed rule as a result of this comment.

Env-Or 504.08 and Env-Or 505.03 pressure decay testing

Crompco Comment #4: DES should require that the pressure decay test be conducted at 2" water column pressure instead of 10. Crompco believes that testing at 10" causes more vapors to be released, that it would not find more leaks, and that it is inconsistent with the GDF NESHAP test requirements.

DES Response: DES agrees that there is a tradeoff between the 2" WC and the 10" WC test. The 10" WC test results in a one time vapor release upon termination of the test at a safe height greater than 12'

above the ground surface (per fire code requirements). The 2″ WC test can result in undetected tank top fittings that continuously leak vapors at or below the ground surface, and that release liquid product in the event of overfills. See also responses to EPA comment #6 and IOMA comment #3.

From OLS:

Env-Or 504.02(c); Env-Or 504.11(d), (e); Env-Or 505.04(c)

OLS Comment #1: It is unclear what "effective date of this chapter" means.

DES Response: Because this chapter (Env-Or 500) has not previously existed, DES had not thought it necessary to include the year. However, DES has added "2012" where noted to eliminate any confusion about which effective date is intended.

Env-Or 506.03 Vapor recovery notification (VRN) forms

OLS Comment #2: It is unclear who must supply the information required on the forms.

DES Response: The prior section, Env-Or 506.02, requires the owner or operator of the GDF to submit the VRN form; Env-Or 506.03 then specifies what information needs to be included on the form. A cross-reference to Env-Or 506.02 has been added to clarify this.