

## MARYLAND REGISTER

# Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Carolyn A Jones  
**Agency:** Department of the Environment  
**Address:** 1800 Washington Blvd  
**State:** MD  
**Zip:** 21230  
**Phone:** 410-537-4210  
**Email:** carolyna.jones@maryland.gov

In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 26.11.24.01, .01-1, .02, .03, .03-1, .04 & .07

**Corresponding Federal Standard:**

The Clean Air Act (CAA) §182(b)(3) required Stage II vapor recovery for areas classified as moderate, serious, severe, and extreme ozone nonattainment areas. Stage II or Stage II equivalent measures were required statewide because Maryland is part of the Ozone Transport Region. Equivalent measures rather than Stage II were adopted in attainment areas of the state. COMAR 26.11.24, as currently promulgated, requires Stage II Vapor Recovery at all gasoline dispensing facilities built after November 15, 1990 in Baltimore City and Anne Arundel, Baltimore, Calvert,

Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties. However, On May 16, 2012, the U.S. Environmental Protection Agency (EPA) finalized the rule "Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver"(40 CFR Part 51). The federal criteria in the waiver allows states to review and wave certain parts of the Stage II vapor recovery program as onboard refueling vapor recovery (ORVR) has been required in most vehicles since 2006.

**Discussion/Justification:**

As EPA has promulgated the rule "Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver" and EPA released their "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures", Maryland can propose a regulatory option for new and existing gas dispensing facilities to either not install or decommission Stage II vapor recovery equipment .

**TO BE COMPLETED BY DBED**

- Agree

-Disagree

**Comments:**

DBED does not have the subject matter expertise in this matter - however, we believe MDE does and trust their assertion that the regulation is not more stringent/restrictive than corresponding federal standards.

Name: Sandy Popp

Date: 8/4/2015

-Submit to Governor's Office

**Governor's Office Response**

**Comments:**

|  |                                       |   |
|--|---------------------------------------|---|
| <b>Transmittal Sheet</b><br><br><b>PROPOSED OR REPROPOSED</b><br><br><b>Actions on Regulations</b> | <b>Date Filed with AELR Committee</b> | <b>TO BE COMPLETED BY DSD</b>               |
|  | 08/04/2015                            | Date Filed with Division of State Documents |
|  |                                       | Document Number                             |
|  |                                       | Date of Publication in MD Register          |

## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 11 AIR QUALITY

#### 26.11.24 [Stage II] Vapor Recovery at Gasoline Dispensing Facilities

Authority: Environment Article, §§ 1-404, 2-103, 2-301—2-303, Annotated Code of Maryland

#### Notice of Proposed Action

□

The Secretary of the Environment proposes to amend regulation .01, .01-1, .02, .03, .04, and .07 and adopt new regulations .03-1 under COMAR 26.11.24 Vapor Recovery at Gasoline Dispensing Facilities.

#### Statement of Purpose

The purpose of this action is to allow new gasoline dispensing facilities (GDFs) and GDFs undergoing major modifications the option to choose not to install or decommission existing Stage II vapor recovery equipment. Existing GDFs may decommission Stage II vapor recovery equipment after October 1, 2016.

Owners and operators of GDFs that elect to continue with their Stage II equipment can do so, but must continue to test, repair, replace, retrofit, and maintain the Stage II equipment in accordance with Stage II requirements.

The proposed regulation will be submitted to the U.S. EPA for approval as a revision to Maryland's State Implementation Plan (SIP).

#### Background

The Clean Air Act (CAA) §182(b)(3) required Stage II vapor recovery for areas classified as moderate, serious, severe, and extreme ozone nonattainment areas. Stage II or Stage II equivalent measures were required statewide

**1. Desired date of publication in Maryland Register: 9/4/2015**

#### **2. COMAR Codification**

| Title | Subtitle | Chapter | Regulation                            |
|-------|----------|---------|---------------------------------------|
| 26    | 11       | 24      | 01, .01-1, .02, .03, .03-1, .04 & .07 |

#### **3. Name of Promulgating Authority**

Department of the Environment

#### **4. Name of Regulations Coordinator**

Carolyn A Jones

#### **Telephone Number**

410-537-4210

#### **Mailing Address**

1800 Washington Blvd

**City** Baltimore  
**State** MD  
**Zip Code** 21230

**Email**  
carolyna.jones@maryland.gov

**5. Name of Person to Call About this Document**  
Randy Mosier  
**Telephone No.**  
410-537-4488

**Email Address**  
Randy.Mosier@maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: .

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md.  
R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes  No

**8. Incorporation by Reference**

Check if applicable:

Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation

because Maryland is part of the Ozone Transport Region. Equivalent measures rather than Stage II were adopted in attainment areas of the state.

Stage II systems transfer by displacement the vapors consisting of fuel air mixture, from the motor vehicle fuel tank fill pipe to the gasoline service station underground storage tank thus preventing volatile organic compounds (VOC) from polluting the air during refueling. The capture of vapors takes place at the interface between the fill pipe and the dispensing nozzle. In the underground tank, the vapors remain in either gaseous or liquid phase as equilibrium between the phases is established.

COMAR 26.11.24, as currently promulgated, requires Stage II Vapor Recovery at all gasoline dispensing facilities built after November 15, 1990 in Baltimore City and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties. Affected sources have been required to install Stage II systems that meet California Air Resources Board (CARB) standards, with all parts clearly identified as being CARB certified. Over 40 types of Stage II systems have met the rigorous CARB certification standards and carry specific Executive Order numbers. Under existing Maryland requirements, facilities must have at least one person trained to operate and maintain the installed Stage II systems. Facilities required to install and operate Stage II systems are subject to initial and annual testing and inspection requirements, and must maintain records of Stage II maintenance and a malfunction log. COMAR 26.11.24 is currently part of Maryland's State Implementation Plan (SIP) under the Clean Air Act.

Onboard refueling vapor recovery (ORVR) is a vehicle emission control system required under CAA §202(a)(6) starting with certain 1998 model year gasoline-powered light duty motor vehicles, and covering most vehicles by model year 2006. This system transfers the vapors to a canister in

submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

\_ OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

\_ OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

X- Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Michael Strande, Assistant Attorney General, (telephone #410-537-3421) on July 31, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Benjamin H. Grumbles

**Title**

Secretary of the Environment

**Telephone No.**

410-537-3084

the vehicle filled with activated carbon. The energy content of the captured vapors in the ORVR canister is utilized when the vehicle engine is started. Stage II vapor recovery systems and ORVR each have a projected vapor control efficiency of approximately 95 percent, though actual performance could vary. Over time, non-ORVR vehicles will continue to be replaced with ORVR vehicles. The ORVR control measure is expected to result in a significant decrease in emissions over time until all subject vehicle classes in the highway vehicle fleet are ORVR-equipped.

When ORVR and vacuum assist Stage II systems are operated together, incompatibility due to presence of air instead of vapors from vapor assist systems can result in a 1 to 10 percent decrease in control efficiency over what would be achieved by Stage II or ORVR alone. The decrease in efficiency depends on various factors, including the vacuum assist technology design that draws in air instead of vapors, the gasoline Reid vapor pressure, temperature and throughput. Over time, non-ORVR vehicles will continue to be replaced with ORVR vehicles. Stage II and ORVR emission control systems are redundant, and EPA has determined that ORVR emission reductions are essentially equal to and will soon surpass the emission reductions achieved by Stage II alone.

On May 16, 2012, the U.S. Environmental Protection Agency (EPA) finalized the rule "Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver." Section 202(a)(6) of the Clean Air Act allows the EPA to revise or waive certain requirements of the Stage II vapor recovery program in ozone nonattainment areas when the EPA Administrator finds that ORVR systems are in widespread use in the highway vehicle fleet. EPA has determined that the criteria for widespread use of ORVR was met on May 16, 2012, based on national data. Using a gasoline throughput approach, EPA projects that the amount of control that ORVR alone would need to achieve to be equivalent to the amount of control

**Date**

August 3, 2015

Stage II alone would achieve is 77.4 percent. Given the widespread use of ORVR, Stage II control systems now provide increasingly less air pollution reduction beyond what is provided by ORVR and therefore are increasingly less cost-effective.

Section 182 of the Clean Air Act still requires states in the Ozone Transport Region (OTR), including Maryland, to adopt and implement control measures that are capable of achieving emissions reductions comparable to those achievable by Stage II systems. On August 7, 2012, EPA released their Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures, EPA-457/B-12-001. EPA's guidance document provides both technical and policy recommendations to states and local areas on how to develop and submit an approvable SIP revision seeking to remove or phase-out an existing Stage II program. This guidance introduces methods and equations that could be used to calculate the emissions consequences of discontinuing Stage II control programs for purposes of demonstrating compliance with specific CAA provisions in sections 110(l) and 193 governing EPA approval of SIP revisions. This guidance also includes new technical and policy guidance for areas of the OTR on implementing measures capable of achieving emissions reductions comparable to those achievable by ongoing implementation of Stage II controls.

**Sources Affected and Location**

The amendments to this regulation affect new and existing GDFs in Baltimore City and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties. There are approximately 1,500 existing GDFs subject to Stage II vapor recovery requirements in Maryland. Based on new construction activity records, an average of 20-25 new facilities are built each year in areas of the State subject to this

regulation.

#### Requirements

The proposed action provides new and existing GDFs and those undergoing major modifications a regulatory option to either not install or decommission Stage II vapor recovery equipment. Existing GDFs may decommission Stage II vapor recovery equipment after October 1, 2016. The proposed regulation is developed in accordance with EPA's "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures" (Guidance) EPA-457/B-12-001, August 7, 2012.

Maryland is proposing the following amendments to COMAR 26.11.24:

1. Allow GDFs constructed after the effective date of the regulation the option to not install and operate Stage II systems;
2. Allow existing GDFs undergoing major modifications to decommission Stage II systems after the effective date of the regulation;
3. Allow existing GDFs to decommission Stage II systems after October 1, 2016; and
4. An owner or operator of a GDF that decommissions a Stage II vapor recovery system shall perform the decommissioning of the Stage II vapor recovery system in accordance with the "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Refueling Sites" of the Petroleum Equipment Institute, Section 14, 2009 and COMAR 26.10.10.

#### Technology Advancement Considerations

Several emerging technologies have been shown to provide significant reductions in VOC emissions and toxic exposures at GDFs. New technologies such as driplless nozzles and low-permeation hoses have either recently become certified by the California Air Resources Board or are under review. These technologies have been proven to reduce impacts on air, water and land, reduce public health risks and generate energy savings. They provide significant benefit with minimal cost and in some instances are

economically cheaper over their life-cycle as compared to traditional equipment. The Department believes these technologies may naturally make their way into the market. Additional technologies such as pressure monitoring and management further ensure that VOC emissions are minimal at GDFs. The Department will consider future amendments to the regulations requiring new technologies as these items become commercially available and if emission reductions are needed for air quality attainment.

#### Expected Emissions Reductions

Over time, non-ORVR vehicles will continue to be replaced with ORVR vehicles. The ORVR control measure is expected to result in a significant decrease in emissions over time until all subject vehicle classes in the highway vehicle fleet are ORVR-equipped. Stage II and ORVR emission control systems are redundant, and, EPA has determined that ORVR emission reductions are essentially equal to and will soon surpass the emission reductions achieved by Stage II alone. By waiving the Stage II requirement, EPA is reducing regulatory burdens on the gasoline service station industry.

In 2012, the Maryland Department of the Environment contracted for an analysis of the potential impacts associated with the elimination of Stage II requirements in Maryland. The analysis for Maryland has shown that Stage II systems in Maryland will continue to show diminishing VOC benefits in Maryland until the year 2020 when thereafter incompatibility issues with ORVR systems will result in excess VOC emissions being released. Stage II vapor recovery systems total statewide VOC reductions for all refueling operations in 2014 has been calculated to be 1.7 tons/day of VOC and in 2020 to be 0.17 tons/day of VOC.

#### **Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

New GDFs of medium model size category would save \$14,000-16,000 (off the capital investment) from not having to install Stage II systems.

Underground vapor recovery pipes, pumps, Stage II nozzles, coaxial gasoline delivery and vapor recovery hoses, inspections and testing would not be required for facilities that choose not to install or maintain Stage II systems. A vapor recovery nozzle costs approximately \$200 more than a standard non-Stage II nozzle. The EPA estimates that for an average size GDF the annual cost to maintain existing Stage II systems is about \$3,000 per year, with decommissioning this cost is removed. Maintenance, testing, inspection and recordkeeping costs are also reduced.

Existing GDFs that choose to decommission Stage II systems must perform the decommissioning of the Stage II vapor recovery system in accordance with the “Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Refueling Sites” of the Petroleum Equipment Institute, Section 14, 2009 and COMAR 26.10.10. There will be a cost to implement the removal of Stage II per the guidelines and the industry estimates that cost to be \$10,000 - \$15,000. The EPA estimates that for an average size existing GDF the annual cost to maintain existing Stage II systems is about \$3,000 per year, with decommissioning this cost is removed.

There will be no expected impact on the Department, other State agencies, or local governments as a result of this action.

|                                      |                        |           |
|--------------------------------------|------------------------|-----------|
|                                      | Revenue<br>(R+/R-)     |           |
| <b>II. Types of Economic Impact.</b> | Expenditure<br>(E+/E-) | Magnitude |

---

A. On issuing agency: NONE

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)      Magnitude  
Cost (-)

---

D. On regulated industries or trade groups:

Regulated Industry (+)      Moderate

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. EPA estimates a savings of \$3,000 per year in maintenance cost for a typical gasoline dispensing facility. The Department estimates a one time \$10,000 - \$15,000 expenditure for an existing facility to decommission a Stage II system.

Economic impact on small business with respect to savings would constitute approximately 1-2% of total capital costs for new GDFs. For existing GDFs, the cost savings constitute approximately 0.2% of yearly revenue.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

## **Opportunity for Public Comment**

Comments may be sent to , , , or call , or email to , or fax to . Comments will be accepted through . A public hearing will be held, The Department of the Environment will hold a public hearing on the proposed action on October 5, 2015 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to [randy.mosier@maryland.gov](mailto:randy.mosier@maryland.gov). Comments must be received not later than October 5, 2015, or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488.

Copies of the proposed action and supporting documents are available for review at the following locations:

- The Department of the Environment's website at:

<http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomments.aspx>

- The Air and Radiation Management Administration Office in Baltimore; and
- The regional offices of the Department in Cumberland and Salisbury. Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

## **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

A combination of Maryland Clean Air Funds (Special) and Air Pollution Control Program Grant Funds (Federal) will be used.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Economic impact on small business with respect to savings would constitute approximately 1-2% of total capital costs for new GDFs. For existing GDFs, the cost savings constitute approximately 0.2% of yearly revenue.

G. Small Business Worksheet:

Attached Document:

---

DRAFT 07-31-2015

**Title 26**  
**DEPARTMENT OF THE ENVIRONMENT**  
**Subtitle 11 AIR QUALITY**

**Chapter 24 [Stage II] Vapor Recovery at Gasoline Dispensing Facilities**

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

**.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) — (3) (text unchanged)

(4) — (8) (text unchanged)

(8-1) "Major Modification" means:

- (a) Excavation below a shear valve or tank pad in order to repair or replace Stage II system or an underground storage tank;
- (b) Installation of a new dispenser system manufactured without a Stage II system; or
- (c) A major system modification consisting of the replacement, repair or upgrade of at least 50% of a facility's Stage II vapor recovery system.

(9) — (13) (text unchanged)

(14) "Owner" means the person who owns a gasoline dispensing facility and who is responsible for the installation requirements, initial compliance, and periodic testing of an approved system. *Owner includes a person who:*

(a) Owns an oil storage facility or UST system, or both, used for storage, use, or dispensing of regulated substances; or

(b) Owned the UST system immediately before the discontinuation of its use.

(14-1) "Stage I vapor balance system" means coaxial or dual piping that creates a closed system between a tank truck and a stationary storage tank and contains the vapors during the transfer of gasoline.

(15) — (16) (text unchanged)

(16-1) "Tank System" means a storage tank or a set of manifolded storage tanks containing gasoline.

(17) — (20) (text unchanged)

### **.01-1 Incorporation by Reference.**

A. In this chapter, the following CARB approved test methods are incorporated by reference.

B. Test Methods Incorporated.

(1) — (5) (text unchanged)

(6) *Leak Rate and Cracking Pressure of Pressure/Vacuum Valves TP-201.1E.*

(7) *Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test) TP-201.3C.*

(8) *"Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Refueling Sites" of the Petroleum Equipment Institute, Section 14, 2009.*

### **.02 (text unchanged)**

A. — D. (text unchanged)

[E. If a person purchases a gasoline dispensing facility that exceeded the 1990—1991 applicability thresholds in §C of this regulation but was not equipped with an approved system, the new owner or operator shall install an approved system if the average monthly gasoline throughput for the calendar year before the purchase exceeded 10,000 gallons or 50,000 gallons per month as applicable.

F. An owner or operator of a gasoline dispensing facility shall install and operate an approved system within 1 year after any calendar year in which the average monthly gasoline throughput at the facility during the calendar year exceeds 50,000 gallons per month for existing independent small business gasoline marketers, or 10,000 gallons per month for other existing gasoline dispensing facilities. The owner and operator of these facilities are subject to all applicable requirements of this chapter.]

### **.03 General Requirements.**

A. New Gasoline Dispensing Facilities. [After May 15, 1993, a]An owner or operator of a new gasoline dispensing facility may not operate the gasoline dispensing facility unless it is equipped and operated with an approved system.

A-1. *Newly Constructed Gasoline Dispensing Facilities. Notwithstanding § A of this regulation, an owner or operator of a gasoline dispensing facility constructed on or after the effective date of this regulation may operate the gasoline dispensing facility without installing and operating a Stage II vapor recovery system.*

B. Existing Gasoline Dispensing Facilities. Except as provided in §A-1 and C of this regulation and section .03-1(A) of this chapter, an owner or operator of an existing gasoline dispensing facility may not operate that gasoline dispensing facility after the following dates, unless it is equipped and operated with an approved system:

C. — I. (text unchanged)

J. *Stage I Vapor Recovery. An owner or operator of a gasoline tank truck or an owner or operator of a gasoline dispensing facility subject to this regulation may not cause or permit gasoline to be loaded into a stationary tank unless the loading system is equipped with a Stage I vapor balance system that is properly installed, maintained, and operated.*

### **.03-1 Decommissioning of the Stage II Vapor Recovery System.**

A. *Notwithstanding § .03A of this chapter, an owner or operator of a gasoline dispensing facility or system of gasoline dispensing facilities that installed approved Stage II vapor recovery systems:*

(1) *May decommission Stage II vapor recovery systems in accordance with §B of this regulation after October 1, 2016; or*

(2) *May decommission Stage II vapor recovery systems in accordance with §B of this regulation where a gasoline dispensing facility undergoes a major modification after the effective date of this regulation.*

*B. An owner or operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system shall perform the decommissioning of the Stage II vapor recovery system in accordance with the "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Refueling Sites" of the Petroleum Equipment Institute, Section 14, 2009 and COMAR 26.10.10.*

**.04 Testing Requirements.**

*A. Testing Requirements for Stage II Stations.* Except as provided in §§E and F of this regulation, an owner or operator of a gasoline dispensing facility subject to this chapter which operates Stage II Vapor Recovery systems shall perform the following CARB-approved tests.

(1) — (5) (text unchanged)

(6) *A leak rate and cracking pressure test in accordance with TP-201.1E referenced in Regulation .01-1B(6).*

(7) *A tie tank test in accordance with TP-201.3C as referenced in Regulation .01-1B(7).*

*A-1. Testing Requirements for Decommissioned Stations and New Stations Installed after the effective date of this regulation that did not install Stage II.* Except as provided in §§E and F of this regulation, an owner or operator of a gasoline dispensing facility subject to this chapter who does not operate a Stage II Vapor Recovery system shall perform the testing requirements of §.04A(1), (6) and (7).

B. (text unchanged)

C. Stage II Vapor Recovery System.

(1) (text unchanged)

(2) Test Schedule.

| <i>Type of Stage II Vapor Recovery System</i> | <i>Initial Test</i>                     | <i>Frequency of Retest</i> |
|---|---|----------------------------|
| (a) Vapor Balance System                      | Dynamic Back Pressure                   | 12 months                  |
|   | Leak Test                               | 12 months                  |
|   | <i>Leak Rate and Cracking Pressure</i>  | <i>12 months</i>           |
|   | <i>Tie-Tank Test</i>                    | <i>12 months</i>           |
|   | Liquid Blockage Test                    | 5 years                    |
| (b) Vapor Assist System—Type 1                | Air to Liquid Ratio Test                | 12 months                  |
|   | Leak Test                               | 12 months                  |
|   | <i>Leak Rate and Cracking Pressure</i>  | <i>12 months</i>           |
|   | <i>Tie-Tank Test</i>                    | <i>12 months</i>           |
|   | Liquid Blockage Test                    | 5 years                    |
| (c) Vapor Assist System—Type 2 Model 400      | Nozzle Regulation Test                  | 12 months                  |
|   | Vapor Return Leak Tightness Test        | 12 months                  |
|   | <i>Leak Rate and Cracking Pressure</i>  | <i>12 months</i>           |
|   | <i>Tie-Tank Test</i>                    | <i>12 months</i>           |
| (d) Vapor Assist System—Type 2 Model 600      | Air to Liquid Ratio Test                | 12 months                  |
|   | Vapor Return Line Vacuum Integrity Test | 12 months                  |
|   | <i>Leak Rate and Cracking Pressure</i>  | <i>12 months</i>           |
|   | <i>Tie-Tank Test</i>                    | <i>12 months</i>           |

D.— F. (text unchanged)

**.05 — .06 (text unchanged)**

**.07 Record-Keeping and Reporting Requirements.**

A. — D. (text unchanged)

E. The following reporting requirements apply to any test required under this chapter:

(1) — (2) (text unchanged)

(3) Copies of all test results shall be forwarded to the Department within [45] 30 days of the test; and

(4) (text unchanged)

**.08 — .09 (text unchanged)**

