ORIGINAL

4345

...tions on bottom of
... completing this
... with instructions
al of proposed

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
ENVIRONMENTAL PROTECTION

Concerning

SUBJECT MATTER OF REGULATION
ABATEMENT OF AIR POLLUTION - DISPENSING OF GASOLINE/STAGE II VAPOR RECOVERY

SECTION 1

The Regulations of Connecticut State Agencies are amended by the addition of section 22a-174-30 as follows:

(NEW)

Section 22a-174-30. Dispensing of Gasoline/Stage II Vapor Recovery

(a) Definitions.

For the purposes of this section:

(1) "CARB" means the State of California Air Resources Board.

(2) "Commissioner" means the Commissioner of the Department of Environmental Protection.

(3) "Department" means the Department of Environmental Protection.

(4) "Dispensing facility" means any site where gasoline is transferred to motor vehicles from any stationary storage tank with a capacity of 250 gallons or more.

(5) "EPA" means the United States Environmental Protection Agency.

(6) "Gasoline" means any petroleum distillate or blend of petroleum distillate and alcohol having a reid vapor pressure of four pounds per square inch or greater and used as a fuel for internal combustion engines.

(8) "Reid vapor pressure" or "RVP" means the vapor pressure of a liquid in pounds per square inch absolute at one hundred (100) degrees Fahrenheit as determined by American Society for Testing and Materials (ASTM) method D323-89.

(9) "Stage II vapor recovery system" means a vapor recovery system which prevents discharge to the atmosphere of at least ninety-five percent (95%) by weight of gasoline vapors displaced during the dispensing of gasoline into a motor vehicle fuel tank.

(10) "Throughput" means the number of gallons of gasoline delivered into motor vehicles through all equipment at a dispensing facility over a specified period of time.

(b) Regulated dispensing facilities.

(1) On or after November 30, 1992, any person who owns, leases, operates or controls a dispensing facility shall install a Stage II vapor recovery system if such facility begins actual construction of a stationary storage tank of any size and such facility has a throughput of ten thousand (10,000) gallons or more during any calendar month.

No such person shall transfer or allow the transfer of gasoline into a motor vehicle fuel tank at such facility on or after

1

November 30, 1992 unless a properly operating Stage II vapor recovery system is used for such transfer.

(2) After May 15, 1993, no person who owns, leases, operates or controls a dispensing facility for which construction commenced between November 15, 1990 and November 30, 1992 and which has a throughput of ten thousand (10,000) gallons or more during any calendar month shall transfer or allow the transfer of gasoline into a motor vehicle fuel tank at such dispensing facility unless a properly operating Stage II vapor recovery system is used for such transfer.

(3) After November 15, 1993, no person who owns, leases, operates or controls a dispensing facility which existed, or for which construction commenced, on or before November 15, 1990 and which has a monthly throughput of one hundred thousand (100,000) gallons or more shall transfer or allow the transfer of gasoline into a motor vehicle fuel tank at such dispensing facility unless a properly operating Stage II vapor recovery system is used for such transfer. Such monthly throughput shall be calculated based on the highest throughput in a calendar month during the two year period between November 30, 1990 and November 30, 1992. If such a dispensing facility was inactive for any period during the two year period, such period shall be extended to include a total of twenty four months of activity.

(4) After November 15, 1994, no person who owns, leases, operates or controls a dispensing facility which existed or for which construction commenced on or before November 15, 1990 and which has a throughput of ten thousand (10,000) gallons or more during any calendar month after November 30, 1992 shall transfer or allow the transfer of gasoline into a motor vehicle fuel tank at such dispensing facility unless a properly operating Stage II vapor recovery system is used for such transfer.

(5) After a dispensing facility becomes subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4), the requirements of such subdivision shall always apply to such dispensing facility.

(6) Any person who owns, leases, operates or controls a dispensing facility which is not subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall maintain at such dispensing facility records of monthly throughput which demonstrate such a dispensing facility is not subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4). Such records shall be kept for five (5) years and shall be made available for inspection by a representative of the Department or EPA.

(c) Equipment specifications.

(1) No person shall install a Stage II vapor recovery system at a dispensing facility unless:

(A) such system has been tested and approved by CARB on or before November 1, 1992; or

(B) such system has been tested and approved by another state on or before November 1, 1992 using testing methods approved by CARB; and

(C) such system only has hoses which are coaxial hoses.

(2) No person shall replace any part of a Stage II vapor recovery system with a new or rebuilt part unless such new or rebuilt part was approved for installation in such Stage II vapor

recovery system on or before November 1, 1992 either by CARB or by another state using testing methods approved by CARB.

(3) No person shall modify, remove, replace, add or otherwise render inoperative any part of a Stage II vapor recovery system so as to render the system to be incapable of preventing discharge to the atmosphere of at least ninety-five percent (95%) by weight of gasoline vapors displaced during the dispensing of gasoline.

(4) Each Stage II vapor recovery system shall conform to the specifications of the National Fire Protection Association Automobile and Marine Service Station Code NFPA 30A as adopted in section 29-320-2 of the Regulations of Connecticut State Agencies.

(5) Any person who owns, leases, operates or controls a dispensing facility subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall install and maintain the Stage II vapor recovery system in a manner such that the dispensing facility complies with the provisions of section 22a-449(d)-1 and sections 22a-449(d)-101 through 22a-449(d)-110 of the Regulations of Connecticut State Agencies as amended.

(d) Training, maintenance, and labeling.

(1) Any person who owns, leases, operates or controls a dispensing facility subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall require at least one representative of such dispensing facility to attend and successfully complete a training session, provided by an equipment manufacturer, supplier, distributor or installer, in the operation and maintenance of the Stage II vapor recovery system. Any person who owns, leases, operates or controls more than one dispensing facility subject to this subdivision may have a trained representative who is responsible for more than one such facility. Such representative shall successfully complete the training no later than three (3) months after commencement of operation of the dispensing facility's Stage II vapor recovery system. If the representative who received the training is no longer employed at that dispensing facility, another representative of such dispensing facility shall attend and successfully complete the training within three (3) months of the departure of such representative who had previously received the training. Training shall include the following areas:

(A) Purposes and effects of the Stage II vapor recovery system;

(B) Operation of the equipment in the dispensing facility's Stage II vapor recovery system;

(C) Maintenance schedules for the dispensing facility's equipment;

(D) Manufacturer's warranties for the Stage II vapor recovery system; and

(E) Equipment manufacturer contacts (names, addresses, and phone numbers) for parts and service.

(2) Any person who owns, leases, operates or controls a dispensing facility subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall maintain the Stage II vapor recovery system in

accordance with specifications approved by CARB on or before November 1, 1992.

(3) Any person who owns, leases, operates or controls a dispensing facility subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall post, on the upper two thirds of each gasoline dispenser, operating instructions for dispensing gasoline using the Stage II vapor recovery system. Such instructions shall be located conspicuously. Such instructions shall include, at a minimum, the following:

(A) a clear description of how to correctly dispense gasoline using the Stage II vapor recovery system;

(B) a warning not to attempt to continue dispensing gasoline after automatic shutoff of the nozzle; and

(C) the telephone number of a contact at the Department to whom to report problems experienced with the Stage II vapor recovery system.

(e) Testing.

(1) Before commencing operation of a Stage II vapor recovery system, a person who owns, leases, operates or controls a dispensing facility subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall conduct testing to verify that such system has been properly installed and is functioning properly. Such tests shall include liquid blockage testing, leak check testing, and all other related tests for automatic shutoff mechanisms and flow prohibiting mechanisms at the gasoline dispensers. Such tests shall be conducted in accordance with the test procedures in the EPA document "Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", Vol II (EPA-450/3-91-022b).

(2) At least every five years or upon major system modification, whichever occurs first, a person who owns, leases, operates or controls a dispensing facility shall conduct testing to verify that the Stage II vapor recovery system is operating properly. Such testing shall include a leak check test and any and all other functional tests that were required by subdivision (e)(1). For the purposes of this section, a major system modification shall be defined as:

(A) the repair or replacement of any stationary storage tank equipped with a Stage II vapor recovery system;

(B) the repair or replacement of any part of an underground piping system attached to a stationary storage tank equipped with a Stage II vapor recovery system, excluding the repair or replacement of any part of an underground piping system which is accessible for such repair or replacement without excavation;

(C) a change from a vapor balance Stage II vapor recovery system to a vacuum assist Stage II vapor recovery system; or

(D) a change from a vacuum assist Stage II vapor recovery system to a vapor balance Stage II vapor recovery system.

(3) Before a person other than a representative of the Department conducts testing pursuant to subdivision (e)(1) or (e)(2), the person who owns, leases, operates or controls the dispensing facility shall notify the Department's Bureau of Air

Management at least four (4) business days in advance of such testing. Such notification shall include the date, time, and location of the test and the name and address of the person conducting the test.

(4) Any Stage II vapor recovery system which does not pass any test required by this subsection shall not be considered properly operating for the purposes of subsection (b) of this regulation.

(f) Record keeping requirements.

(1) Any person who owns, leases, operates or controls a dispensing facility subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall maintain, in a location in the State of Connecticut, the following records:

(A) All licenses, as that term is defined in section 4-166 of the General Statutes, to construct or operate the dispensing facility or to construct or operate a specific system at the dispensing facility;

(B) Records and results of tests performed pursuant to subdivisions (e)(1) and (e)(2), including the date of the testing and the names, addresses, and phone numbers of the persons who installed and tested such Stage II vapor recovery system;

(C) A record of any maintenance or repair conducted on any part of the Stage II vapor recovery system, including a description of the maintenance problem, identification of any part or parts repaired or replaced on such Stage II vapor recovery system, the date such part or parts were repaired or replaced, and a general description of the location of the part or parts in the system including the number of the gasoline dispenser;

(D) Proof of completion by a current representative of the dispensing facility of training pursuant to subdivision (d)(1);

(E) A chronological file of all inspection reports of the dispensing facility issued by a representative of the Department or EPA; and

(F) A chronological file of all compliance records, including orders, warnings and notices of violations, issued by a representative of the Department or EPA.

(2) Such records shall be made available for inspection by a representative of the Department or EPA. The inspection reports file shall be maintained separately from the compliance records file.

(3) Such records shall be maintained for not less than five (5) years.

(g) Defective equipment.

(1) Any part of a Stage II vapor recovery system having a defect, as defined by subdivision (g)(3), shall be immediately tagged "out of order" by the person who owns, leases, operates or controls the dispensing facility.

(2) Any person who owns, leases, operates or controls a dispensing facility shall not allow the use of any part of a Stage II vapor recovery system which has been tagged "out of order" until such part has been repaired or replaced.

(3) For the purposes of subdivisions (g)(1) and (g)(2), a defect in a Stage II vapor recovery system shall include:

(A) Absence or disconnection of any part required to be used in such Stage II Vapor recovery systems;

(B) A vapor hose which is crimped or flattened such that the vapor passage is blocked, or when the pressure drop through the vapor hose exceeds by a factor of two or more the requirements for such Stage II vapor recovery system;

(C) A nozzle boot which has a triangular-shaped or similar tear 1/2 inch or more to a side, a hole 1/2 inch or more in diameter or a slit 1 inch or more in length;

(D) Balance nozzles and nozzles for aspirator and educator assist-type systems which are damaged such that the capability to achieve a seal with a fill pipe interface is affected for 1/4 of the circumference of the faceplate (accumulated);

(E) Nozzles for vacuum assist-type systems which are damaged such that more than 1/4 of the flexible cone is missing;

(F) A nozzle shutoff mechanism which malfunctions in any manner;

(G) A vapor return line, including such parts as swivels, anti-recirculation valves and underground piping, which malfunctions or is blocked or restricted such that the pressure drop through the line exceeds by a factor of two or more the requirements for such Stage II vapor recovery system;

(H) A vapor processing unit which is inoperative;

(I) A vacuum producing device which is inoperative; or

(J) A pressure/vacuum relief valve, vapor check valve, or dry break which is inoperative.

(h) Delegation

(1) The Commissioner may, in accordance with the provisions of section 22a-2a of the General Statutes, delegate the authority to inspect any dispensing facility covered by the provisions of this regulation to the Department of Consumer Protection, to any municipality, or to any employee of either the Department of Consumer Protection or such municipality. Such delegation shall not include the authority to otherwise enforce any provision of this section.

(2) The Commissioner of the Department of Consumer Protection or the chief executive officer of a municipality may apply to the Commissioner for delegation to such Department or municipality of all or part of the authority to inspect any dispensing facility covered by the provisions of this

regulation. In making a decision on such application, the Commissioner shall consider:

(A) the knowledge and training of the applicant;

(B) the jurisdictional authority of the applicant;

(C) the financial and administrative capacity of the applicant;

(D) the level of experience and training of the employees of the applicant;

(E) the nature of the duties to be delegated; and

(F) the facilities which will be subject to this regulation.

(3) The Commissioner shall notify the applicant in writing of the decision on the application. If such application is approved, the Commissioner shall prepare a memorandum of understanding which defines the scope of the delegation. The Commissioner and the applicant shall both sign the memorandum of understanding. The memorandum of understanding shall include an effective date and an expiration date, provided that the initial memorandum of understanding shall be valid for a period of up to three (3) years.

(4) Prior to the expiration of the memorandum of understanding, the Commissioner shall review the performance of duties required by the memorandum of understanding, including recordkeeping, reporting, inspections and enforcement activities. If the Commissioner is satisfied with such performance, the Commissioner may renew the memorandum of understanding for up to five (5) years.

(5) The Department of Consumer Protection or a municipality may allow employees to perform delegated duties, provided that the Department of Consumer Protection or such municipality is ultimately responsible for such activities. Any person who will perform delegated duties shall complete technical training in methods of inspection and reporting.

(6) Any person who performs delegated duties shall abide by the standards and requirements for state employees contained in Chapter 10 of the General Statutes, as amended.

(7) Within fifteen (15) days of the detection of a violation of any standard, criteria or other requirement at any dispensing facility which the Department of Consumer Protection or a municipality has been delegated the authority to inspect, the Department or the municipality shall submit a report to the Commissioner. In the event that further investigation or action by the Department is required, the Commissioner shall notify the Department of Consumer Protection or the municipality of such investigation or action.

(8) Beginning January 1, 1993, the Department of Consumer Protection or a municipality which has been delegated authority to inspect facilities under this section shall submit an annual report to the Commissioner each January 1 which summarizes the activities, including the number of inspections, conducted under such authority during the previous twelve (12) months.

(9) The Commissioner shall maintain a record of the cost to the Department of administering the delegation program under this section. The Commissioner shall assess the benefits, including any cost reductions, and liabilities to the Department of the delegation program, including the costs specified above, the number of inspections conducted, and the overall effectiveness of delegation in reducing air pollution in the state.

(10) The Commissioner may revoke all or part of a delegation of authority upon written notice to the Commissioner of the Department of Consumer Protection or the chief executive officer of the municipality. Such revocation shall be effective upon receipt of such notice.

(11) The Commissioner of the Department of Consumer Protection or the chief executive officer of a municipality may terminate all or part of the delegated responsibilities upon thirty (30) days written notice to the Commissioner.

Statement of Purpose: To adopt regulations that implement the requirements for vapor recovery at gasoline service stations in accordance with the requirements of Public Act 91-332 and section 182(b)(3) of the Clean Air Act.

4345

CERTIFICATION
REV. 1-77

Be it known that the foregoing: Page 9 of 9 pages.

[X] Regulations [ ] Emergency Regulations

Are:

[X] Adopted [ ] Amended as hereinabove stated [ ] Repealed

By the aforesaid agency pursuant to:

[ ] Section _____ of the General Statutes.

[X] Section _____ of the General Statutes, as amended by Public Act No. 332 of the 1991 Public Acts.

[ ] Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on July 7, 19 92, of the notice of the proposal to:

[X] Adopt [ ] Amend [ ] Repeal such regulations

(If applicable): [X] And the holding of an advertised public hearing on 6th day of August 19 92.

WHEREFORE, the foregoing regulations are hereby:

[X] Adopted [ ] Amended as hereinabove stated [ ] Repealed

Effective:

[X] When filed with the Secretary of the State.

(OR)

[ ] The _____ day of _____ 19____.

In Witness Whereof:	DATE 11/2/92	SIGNED (Head of Board, Agency or Commission) [signature]	OFFICIAL TITLE, DULY AUTHORIZED Deputy Commissioner
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED [signature] 11/7/92	OFFICIAL TITLE, DULY AUTHORIZED Asst. Atty. Gen.

[X] Approved with deletion per my letter 11/17/92

[ ] Disapproved

[ ] Disapproved in part, (Indicate Section Numbers disapproved only)

[ ] Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE 11/17/92	SIGNED (Clerk of the Legislative Regulation Review Committee) [signature]

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE November 24, 1992	SIGNED (Secretary of the State) Pauline R. Kezer	BY [signature]

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

RECEIVED

NOV 24 1992

RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE