

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO AIR QUALITY, CHAPTER 391-3-1

The Rules of the Department of Natural Resources, Chapter 391-3-1, Air Quality Control are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added.]

Rule (zz), “Gasoline Dispensing Facilities—Stage II”, is amended to read as follows:

(zz) Gasoline Dispensing Facilities--Stage II.

1. After January 1, 1993, no person may construct or reconstruct a gasoline dispensing facility unless the gasoline dispensing facility is equipped and operating with a vapor recovery system to recover the displacement vapors from the vehicle’s gasoline storage tank.

2. The requirements of this subsection shall not apply to facilities used exclusively for the fueling of implements of husbandry or individual dispensers used exclusively for the initial fueling and/or re-fueling of vehicles equipped with onboard refueling vapor recovery (ORVR) equipment. Furthermore, the gasoline volume dispensed into vehicles equipped with ORVR shall not be considered in any determination of applicability of this subsection.

3. For the purpose of this subsection, the following definitions shall apply:

(i) “Approved Stage II vapor recovery system” means a Stage II vapor recovery system that has demonstrated 95 percent by weight or greater VOC control efficiency by:

(I) Stage II gasoline vapor recovery system properly certified under the CARB vapor recovery certification procedures effective on or before March 31, 2001, or a Stage II gasoline vapor recovery system properly certified under the CARB enhanced vapor recovery certification procedures effective April 1, 2001; mixing of equipment components certified under separate certification procedures may be allowed when supported by manufacturer or independent third-party certification that the configuration meets or exceeds the applicable performance standards and has received prior written approval from the Division; or

(II) Tested and approved by the Department using appropriate CARB test procedures and methods; or equivalent test procedures and methods approved by the Environmental Protection Division and EPA, and conducted by the Division or by a third party approved by the Division.

(ii) “Average monthly throughput rate” means the average of the gallons pumped monthly for the most recent two year period of operation excluding any inactive period. If a facility has not

been in operation for two years or does not have access to records for the most recent two years of operation, the Division shall determine the length of time to determine the average of the gallons pumped monthly.

(iii) "CARB" means the California Air Resources Board, Sacramento, CA 96812.

(iv) "Division" means the Environmental Protection Division of the Georgia Department of Natural Resources.

(v) "Fill Cap" means a cap that fits over the stationary gasoline storage tank riser which contains the submerged fill pipe and that is used to prevent contaminants from entering the tank and as a secondary measure to prevent the release of gasoline vapors.

(vi) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.

(vii) "Gasoline Dispensing Facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(viii) "Independent small business marketer of gasoline" means an owner engaged in the marketing of gasoline who receives more than 50 percent of his annual income from refining or marketing of gasoline, unless such a person:

(I) Is a refiner; or

(II) Controls, is controlled by, or is under common control with, a refiner; or

(III) Is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner, unless the sole affiliation referred to herein is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person.

(ix) "Operator" means any person who operates a facility utilizing gasoline dispensing equipment and receives income from sale of gasoline at such facility.

(x) "Owner" means the person who owns the gasoline dispensing equipment which transfers gasoline from a stationary gasoline storage tank, which shall include but not be limited to the gasoline dispensers, hoses, nozzles, breakaways, and vapor piping.

(xi) "Reconstruction" means the replacement of any stationary gasoline storage tank and/or the replacement of all gasoline dispensers.

(xii) "Refiner" means a person engaged in producing gasoline, kerosene, distillate fuel oils, lubricants, or other products through distillation of petroleum or through the redistillation, cracking, or reforming of unfinished petroleum derivatives, and whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) is 65,000 barrels per day or greater.

(xiii) "Stage II controls" means a gasoline vapor recovery system which recovers vapors during the refueling of motor vehicles.

(xiv) "Vapor cap" means the cap that fits over the stationary gasoline storage tank riser which carries vapors from the storage tank to the delivery vessels during the transfer of gasoline in two-point Stage I vapor recovery systems and that is used to prevent contaminants from entering the storage tank and as a secondary measure to prevent the loss of gasoline vapors.

4. Once a gasoline dispensing facility becomes subject to this rule, it will continue to be subject even if the gasoline throughput rate falls below the applicability threshold until the facility decommissions its approved Stage II vapor recovery system as specified under paragraph 21. of this subsection.

5. After the compliance date specified in paragraph 7. of this subsection, no person may transfer or cause or allow the transfer of gasoline from stationary storage tanks at gasoline dispensing facilities subject to regulation under 391-3-1-.02(2)(zz) to any vehicle gasoline tank unless the gasoline dispensing facility is equipped with an approved vapor recovery system to recover the displaced vapors from the vehicle's gasoline tank. Beginning on May 1, 2014, gasoline dispensing facilities subject to regulation under 391-3-1-.02(2)(zz) may decommission its approved Stage II vapor recovery system as specified under paragraph 21. of this subsection. Once a facility has decommissioned its Stage II vapor recovery system, it is no longer required to recover the displaced vapors from vehicle gasoline tanks.

6. The requirements contained in this subsection shall apply to all gasoline dispensing facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

7. The compliance date for existing gasoline dispensing facilities required to install Stage II controls shall be as follows:

(i) Facilities which began construction or reconstruction after November 15, 1990, must comply by no later than May 15, 1993.

(ii) Facilities constructed before November 15, 1990, which are not owned by independent small business marketers and which have an average monthly throughput rate of 100,000 gallons or more of gasoline per month, must comply by no later than November 15, 1993.

(iii) Facilities constructed before November 15, 1990, which are not owned by independent small business marketers and which have an average monthly throughput rate between 10,000 and 100,000 gallons of gasoline per month, must comply by no later than November 15, 1994.

(iv) Multiple facilities owned by a single independent small business marketer and which have an average monthly throughput rate of more than 50,000 gallons of gasoline per month, the following schedule applies:

(I) no less than 33 percent of such facilities must comply by no later than November 15, 1993.

(II) no less than 66 percent of such facilities must comply by no later than November 15, 1994.

(III) all or 100 percent of such facilities must comply by no later than November 15, 1995.

(v) A single facility owned by a single independent small business marketer of gasoline and which has an average monthly volume throughput rate of more than 50,000 gallons of gasoline per month, must comply no later than November 15, 1994.

8. The following facilities are exempted from Stage II requirements:

(i) All gasoline dispensing facilities that dispense no more than 10,000 gallons of gasoline per month.

(ii) Any gasoline dispensing facility constructed or reconstructed prior to November 15, 1995 that dispenses up to and including 50,000 gallons and less per month and is owned by an independent small business marketer of gasoline.

(iii) Any new gasoline dispensing facility or gasoline dispensing facility having undergone reconstruction that commenced or recommenced dispensing of gasoline to motor vehicles after December 31, 2011.

9. Stage II vapor recovery systems at each gasoline dispensing facility shall be certified as being properly installed and properly functioning. Certification, compliance testing, ~~and recertification,~~ and decommissioning shall be made by a trained, qualified technician who has a thorough knowledge of the system. Tests shall be conducted in accordance with test procedures as approved by the Division. The fill cap and vapor cap must be removed when performing any test to determine vapor tightness for a vapor recovery system for certification, compliance testing, ~~and recertification,~~ or decommissioning purposes.

10. Testing may be conducted by the Division or by an installation or testing company that meets the minimum criteria established by the Division for conducting such tests. In the case where a party other than the Division will be conducting the initially required certification testing, compliance testing, ~~and recertification,~~ or decommissioning testing, the owner or operator shall notify the Division at least five days in advance as to when the testing will occur and what party will conduct the testing.

11. Compliance reporting and recertification testing of the vapor recovery system shall be required according to the following schedule:

(i) Compliance reporting shall be required within twelve months of the original certification test and annually thereafter. This report shall be submitted to the Division and shall include results of either:

(I) a vapor tightness test and other functional test(s) as required by the Division; or

(II) a procedure or procedures equivalent to (I) as approved by the Division.

(ii) Recertification will be required every five years or upon major system modification or replacement. This recertification shall include a leak check test and other functional tests that are required by the Division. A major system modification is considered to be replacing, repairing or upgrading 75 percent or more of a facility's Stage II vapor recovery system. The

percent measure is based on the cost of a total system replacement at the time of replacement, repair or upgrading.

12. Facilities equipped with Stage II vapor controls shall be subject to annual compliance inspections and functional testing by the Environmental Protection Division personnel which include but are not limited to the following:

(i) Verification that all equipment is present and maintains a certified system configuration and is in proper working order.

(ii) Inspection of all Stage II related files to ensure that the facility has complied with maintenance requirements and other record keeping requirements such as inspection, compliance and volume reports.

(iii) Observation of the use of equipment by facility operators and the public. These inspections shall include dispensing units, processors and handling units and any other systems-related equipment such as Stage I equipment.

(iv) A functional test of the required shut off or flow prohibiting mechanisms.

(v) A Dynamic Back pressure test (DBT); if applicable to the system.

(vi) Other compliance tests as deemed necessary by the Division.

(vii) Verification that the facility has complied with the Leak Test (LT) and the Liquid Blockage Test (LBT) requirements.

(viii) Inspection for labels, signs and/or other public information.

13. Each owner or operator shall ensure that at least one facility representative receives training and instruction in the operation and maintenance of the specific Stage II vapor recovery system in use at the facility. Such training shall be provided by the qualified instructor on the specific Stage II equipment. The trained facility representative shall instruct other appropriate facility employees as to the purpose and operating procedures of the system. Training shall include, but is not limited to, the following:

(i) Purposes and effects of the Stage II vapor control program;

(ii) Equipment operation and function specific to the facility's system;

(iii) Maintenance schedules and requirements for the facility's equipment;

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

14. Each owner or operator shall post operating instructions conspicuously on the front of each gasoline dispenser using the Stage II vapor recovery system. These instructions shall, at a minimum, include:

- (i) A clear description of how to correctly dispense gasoline using the system;
- (ii) A warning to not attempt continued refueling after automatic shutoff of the system (an indication that the vehicle fuel tank is full); and
- (iii) A telephone number to be used to report to the station owner or company repair representative any problems experienced with the system.

15. The owner or operator shall maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and free of defects that could impair the effectiveness of the system. For the purposes of this paragraph, the following is a list of equipment defects in Stage II vapor recovery systems that substantially impair the effectiveness of the systems in reducing refueling vapor emissions:

- (i) Absence or disconnection of any component that is a part of the approved system;
- (ii) A vapor hose that is crimped or flattened such that the vapor passage is blocked, or the pressure drop through the vapor hose exceeds by a factor of 2 or more the value as certified in the approved system;
- (iii) A nozzle boot that is torn in one or both of the following ways:
 - (I) A triangular-shaped or similar tear more than 1/2 inch on a side, or a hole more than 1/2 inch in diameter; or
 - (II) A slit more than 1 inch in length;
- (iv) A faceplate or flexible cone on a balance nozzle or a nozzle in a vacuum assist type system, that is damaged such that the capability to achieve a seal with a fill pipe interface is affected for at least 1/4 of the circumference of the faceplate (accumulated);
- (v) A nozzle shutoff mechanism that malfunctions in any manner;
- (vi) Vapor return lines, including such components as swivels, anti-recirculation valves, and underground piping, that malfunction or are blocked, or are restricted such that the pressure drop through the line exceeds by a factor of 2 or more the value as certified in the approved system;
- (vii) A vapor processing unit that is inoperative;
- (viii) A vacuum producing device that is inoperative;
- (ix) Pressure/vacuum relief valves, vapor check valves, or dry breaks that are inoperative;
- (x) Any equipment defect that is identified by the Division as substantially impairing the effectiveness of the system in reducing refueling vapor emissions; or
- (xi) Any leaks.

16. Upon identification of any of the defects as described above, the owner or operator shall tag "out-of-order" all dispensing equipment for which vapor recovery has been impaired. The tagged equipment shall be rendered inoperable and the tag(s) shall not be removed until the defective equipment has been repaired, replaced, or adjusted as necessary. The Division shall be promptly notified by U.S. Mail as to the corrective actions taken by the company's repair representative with regards to major repairs. Hoses, nozzles, nozzle boots and other routine repairs are exempted from this notification.

17. The owner or operator shall inspect all nozzles and nozzle boots or faceplates on a daily basis.

18. Owners or operators of facilities subject to Stage II vapor control shall maintain, at the facility, any applicable permits or licenses to operate the facility or specific system current at all times. All required records shall be made readily available for the Division's inspection. Certification and test results which verify that the Stage II vapor recovery system meets the requirements shall be maintained for five years or until it is decommissioned, whichever is less.

19. The following records shall be maintained for two years or until the Stage II vapor recovery system is decommissioned, whichever is less:

(i) Maintenance records including any repaired or replacement parts and a description of the problems.

(ii) Compliance records including warnings or notices of violation issued by the Division.

(iii) Gasoline throughput records which will allow the average monthly gasoline throughput rate to be continuously determined.

(iv) Inspection results including self-inspection weekly summaries.

(v) Records of operator employee training for current employees.

20. Record disposal may be approved by the Division upon a written request by the owner or operator of the facility. Approval may be granted on a case-by-case basis considering volume of records, number of times the records have been inspected by the Division; and the value of maintaining the records. In no case, shall the time be extended beyond the requirements of this subsection.

21. Owners or operators of gasoline dispensing facilities subject to the Stage II vapor recovery control requirements shall fully decommission their Stage II vapor recovery systems in accordance with the provisions of this subsection.

(i) Beginning May 1, 2014, owners or operators of gasoline dispensing facilities with Stage II vapor recovery systems may commence decommissioning of those systems. Decommissioning of the Stage II vapor recovery systems shall be completed no later than April 30, 2016.

(ii) An existing Stage II vapor recovery system shall be decommissioned only in accordance with the requirements in this Subparagraph.

(I) The entire existing Stage II vapor recovery system shall be fully decommissioned prior to the Stage II system no longer being operated and maintained as required by this rule and the terms and conditions of the system's currently applicable CARB Executive Order and Approval Letters.

(II) The gasoline dispensers connected to the Stage II vapor recovery system shall be taken out of service prior to the start of decommissioning and shall not be brought back into service to dispense gasoline until the requirements in this Subparagraph have been met.

(III) If the Stage II vapor recovery system has any liquid-collection points and liquid is present, the liquid must be removed and disposed of properly. If the liquid-collection point has a tube leading back to the submersible pump, the tube must be disconnected at the submersible pump, and the tube sealed properly so that it is vapor tight. A plug must be installed in the vacuum pump to seal the vacuum port. As an alternative to sealing the tube, the tube may be removed completely as long as the opening for the tube in the liquid-collection point is sealed so that it is vapor tight. The liquid-collection point cap shall create a vapor tight seal when placed on the liquid-collection point.

(IV) If the Stage II vapor recovery system includes a vapor pump for each fueling position, the vapor pump shall be disabled or removed.

(V) If the Stage II vapor-recovery system includes a centrally-located vacuum pump, the vacuum-pumping mechanism shall be removed. After removing the vacuum-generating mechanism, the vapor piping that was attached to the vapor pump must be sealed so that it is vapor tight.

(VI) The below-grade vapor piping shall be disconnected from the dispenser at a point that is at or below the level of the base of the dispenser. The below-grade vapor piping shall be properly sealed so that it is vapor tight.

(VII) The lower end of the vapor piping inside of each dispenser cabinet shall be sealed so that it is vapor tight.

(VIII) The vapor recovery piping connection at the storage tank shall be disconnected if it can be disconnected without excavation. If the vapor recovery piping is disconnected at the storage tank, the dispenser and tank side of the vapor piping shall be sealed so that it is vapor tight.

(IX) A rubber cap held in place by a hose clamp shall not be used to seal the vapor piping for any of the requirements in this subparagraph.

(X) If Stage II vapor recovery system operating instructions are posted on dispensers, the operating instructions shall be removed.

(iii) Within 30 calendar days of meeting the requirements in Subparagraph 21.(ii), a pressure decay test and tie-tank test shall be conducted to insure that the Stage I vapor recovery system is vapor tight and the storage tank vents are still functional. The pressure decay test shall be conducted in accordance with and meet the performance requirements in the CARB test procedure TP-201.3 "Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities" adopted on April 12, 1996, and amended on March 17, 1999. The tie-tank test shall be conducted in accordance with and meet the performance

requirements in the CARB test procedure TP201.3C "Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks" (Tie-Tank Test) adopted on March 17, 1999.

(iv) The gasoline dispensing facility owner or operator shall notify the Division a minimum of five business days, as defined by the Division, prior to the testing required for the decommissioning of the Stage II vapor recovery system as specified by Subparagraph 21.(iii). The owner or operator shall use and complete the notification form provided by the Division.

(v) The gasoline dispensing facility owner or operator shall submit a complete test report containing the results of the testing required by Subparagraph 21.(iii) within 30 days of the test date to the Division. The test report form shall be provided by the Division and must be used and completed in its entirety by the owner or operator. The report shall include results of all tests conducted for decommissioning of the Stage II vapor recovery system.

(vi) The gasoline dispensing facility owner or operator shall maintain the following records on-site for two years after decommissioning:

(I) Contracts and invoices associated with decommissioning of the Stage II vapor recovery system.

(II) Contracts, invoices, and test results for required testing for decommissioning of the Stage II vapor recovery system.

(vii) A gasoline dispensing facility is considered fully decommissioned once the following conditions have been met:

(I) All of the requirements in Subparagraph 21.(ii) have been met;

(II) All tests required in Subparagraph 21.(iii) have been conducted and performance requirements met; and

(III) Test report(s) as required in Subparagraph 21.(v) have been submitted to and approved by the Division.