



Janice K. Brewer  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Benjamin H. Grumbles  
Director

**SEP 21 2009**

Ms. Laura Yoshii, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region IX  
Mail Code: ORA-1  
75 Hawthorne Street  
San Francisco, CA 94105

RE: SIP Revision to the Arizona State SIP for the Update to the Stage II Vapor Recovery Program

Dear Ms. Yoshii:

Consistent with the provisions of Arizona Revised Statutes (ARS) Title 49, §§ 49-104, 49-106, 49-404 and 49-406 (Enclosure 1) and the Code of Federal Regulations (CFR) Title 40, §§ 51.102-51.104, The Arizona Department of Environmental Quality (ADEQ) hereby adopts and submits to the U.S. Environmental Protection Agency (EPA), two paper copies and one certified electronic copy of the *SIP Revision to the Arizona State SIP for the Update to the Stage II Vapor Recovery Program* as a revision to the Arizona State Implementation Plan (SIP).

On August 27, 1993, the Arizona Department of Weights and Measures (ADWM) adopted Stage II vapor recovery rules, designed to control VOC emissions during the refueling of motor vehicles. ADEQ submitted the rules as a SIP revision on May 27, 1994. Full approval for the program was granted by EPA effective January 3, 1995 (59 FR 54521, November 1, 1994). Subsequent legislative action (HB 2001, 1997) required ADWM to adopt rules to enhance the program. Since then, a quality assurance and control program has been implemented by the Department.

With this submittal, ADEQ requests that EPA approve the *SIP Revision to the Arizona State SIP for the Update to the Stage II Vapor Recovery Program*. Enclosure 2 is the SIP Completeness Checklist. Enclosures 3 (Statutes) and 4 (Rules) contain the SIP revisions for review and action; including:

Arizona Revised Statutes:

- (1) Title 41, chapter 15, article 1, section 41-2051, subsections (6), (10), (11), (12), and (13)
- (2) Title 41, chapter 15, article 6, section 41-2121, subsection (5); and
- (3) Title 41, chapter 15, article 7, sections 41-2131, 41-2132, and 41-2133.

Northern Regional Office  
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ 85701  
(520) 628-6733

Arizona Administrative Code:

- (1) Title 20, chapter 2, article 1, section R20-2-101; and
- (2) Title 20, chapter 2, article 9, sections R20-2-901 - R20-2-905 and R20-2-907 - R20-2-912.

If you have any questions, please do not hesitate to contact Nancy Wrona, Director, Air Quality Division, at (602) 771-2308.

Sincerely,

A handwritten signature in cursive script, appearing to read "B H Grumbles".

Benjamin H. Grumbles  
Director

Enclosures (4)

cc: Duane Yantorno, Arizona Department of Weights and Measures, w/o enclosures  
Nancy Wrona, ADEQ, w/o enclosures



*Arizona State Implementation Plan  
Revision*

*Update to the Stage II  
Vapor Recovery Program*

**Air Quality Division  
September 2009**

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## **Enclosure 1**

### **Arizona Revised Statutes:**

- (1) Title 49, chapter 1, article 1, section 49-104; and
- (2) Title 49, chapter 3, article 1, section 49-404.

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**49-104. Powers and duties of the department and director**

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to assure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Assure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies.
12. Prevent pollution through the regulation of the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Assist the department of health services in recruiting and training state, local and district health department personnel.
15. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
16. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.

4. Adopt procedural rules that are necessary to implement the authority granted under this title, but that are not inconsistent with other provisions of this title.
5. Contract with other agencies including laboratories in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.
10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.
11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:
  - (a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.
  - (b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.
12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at such places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection H, paragraph 10.
13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:
  - (a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.
  - (b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.
  - (c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation

systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules shall:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes shall be licensed by the department subject to compliance with the rules.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and title 26, chapter 2, article 3.

16. Approve remediation levels pursuant to article 4 of this chapter.

C. The department may charge fees to cover the costs of all permits and inspections it performs to insure compliance with rules adopted under section 49-203, subsection A, paragraph 6, except that state agencies are exempt from paying the fees. Monies collected pursuant to this subsection shall be deposited in the water quality fee fund established by section 49-210.

D. The director may:

1. If he has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

**Recent legislative year:** Laws 1999, Ch. 295, § 40; Laws 2002, Ch. 251, § 1.

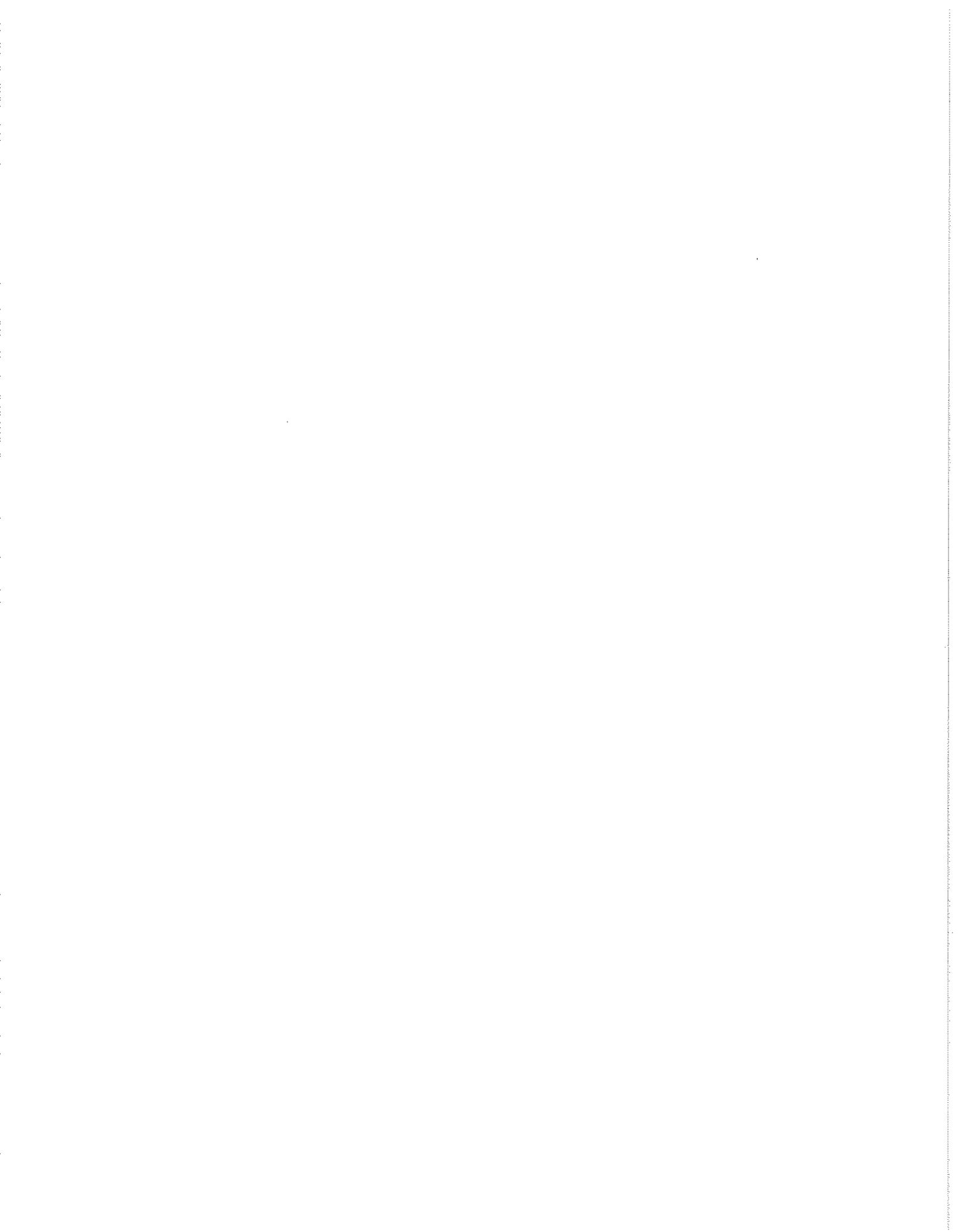
#### **49-404. State implementation plan**

A. The director shall maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act.

B. The director may adopt rules that describe procedures for adoption of revisions to the state implementation plan.

C. The state implementation plan and all revisions adopted before September 30, 1992 remain in effect according to their terms, except to the extent otherwise provided by the clean air act, inconsistent with any provision of the clean air act, or revised by the administrator. No control requirement in effect, or required to be adopted by an order, settlement agreement or plan in effect, before the enactment of the clean air act in any area which is a nonattainment or maintenance area for any air pollutant may be modified after enactment in any manner unless the modification insures equivalent or greater emission reductions of the air pollutant. The director shall evaluate and adopt revisions to the plan in conformity with federal regulations and guidelines promulgated by the administrator for those purposes until the rules required by subsection B are effective.

**Recent legislative year:** Laws 1999, Ch. 295, § 42.



## **Enclosure 2**

### **State Implementation Plan Checklist**

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**STATE IMPLEMENTATION PLAN COMPLETENESS CHECKLIST**

**SUBMITTAL OF STATE IMPLEMENTATION PLAN (SIP) REVISION**

***for SIP Revision to the Arizona State SIP for the Update to the Stage II Vapor Recovery Program***

1. SUBMITTAL LETTER FROM GOVERNOR/DESIGNEE  
See Cover Letter
2. EVIDENCE OF ADOPTION  
See Enclosure 3
3. STATE LEGAL AUTHORITY  
See Enclosure 1
4. COMPLETE COPY OF STATUTE/REGULATION/DOCUMENT  
See Enclosure 3
5. WRITTEN SUMMARY OF RULE/RULE CHANGE  
Not Applicable
6. RULE CHANGES INDICATED BY UNDERLINING AND CROSS-OUTS  
Not Applicable
7. EVIDENCE THAT ARIZONA ADMINISTRATIVE PROCEDURE ACT REQUIREMENTS WERE MET FOR RULE/PLAN  
See Enclosure 4
8. EVIDENCE OF PUBLIC HEARING  
See Enclosure 4
9. PUBLIC COMMENTS AND AGENCY RESPONSE  
See Enclosure 4
10. IDENTIFICATION OF POLLUTANTS REGULATED BY RULE/PLAN  
See Enclosure 3.

11. IDENTIFICATION OF SOURCES/ATTAINMENT STATUS

See Enclosure 3.

12. RULE'S/PLAN'S EFFECT ON EMISSIONS

Not Applicable

13. DEMONSTRATION THAT NAAQS, PSD INCREMENTS AND RFP ARE PROTECTED

Not Applicable

14. MODELING SUPPORT

Not Applicable

15. EVIDENCE THAT EMISSIONS LIMITATIONS ARE BASED ON CONTINUOUS EMISSIONS REDUCTION TECHNOLOGY

Not Applicable

16. IDENTIFICATION OF RULE SECTIONS CONTAINING EMISSION LIMITS, WORK PRACTICE STANDARDS, AND/OR RECORD KEEPING/REPORTING REQUIREMENTS

See Enclosure 3.

17. COMPLIANCE/ENFORCEMENT STRATEGIES

See Enclosure 3.

18. ECONOMIC TECHNICAL JUSTIFICATION FOR DEVIATION FROM EPA POLICIES

No known deviations.

### **Enclosure 3**

**Arizona Revised Statutes:**

- (1) Title 41, chapter 15, article 1, section 41-2051, subsections (6), (10), (11), (12), and (13) - (i.e., the definitions of certification, Department, Diesel fuel, Director, and E85);
- (2) Title 41, chapter 15, article 6, section 41-2121, subsection (5) - (i.e., the definition of gasoline); and
- (3) Title 41, chapter 15, article 7, sections 41-2131, 41-2132, and 41-2133.

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## **Title 41, Chapter 15, Article 1**

### **41-2051. Definitions**

In this chapter, unless the context otherwise requires:

6. "Certification" means the process of determining the accuracy of a commercial device to the standards of this state by a registered service representative or the department.
10. "Department" means the department of weights and measures.
11. "Diesel fuel" means a refined middle distillate that is used as a fuel in a compression-ignition internal combustion engine and that meets the specifications of ASTM D975.
12. "Director" means the director of the department of weights and measures.
13. "E85" means a fuel ethanol gasoline blend that meets the specifications of ASTM D5798.

## **Title 41, Chapter 15, Article 6**

### **41-2121. Definitions**

In this article, unless the context otherwise requires:

5. "Gasoline" means a volatile, highly flammable liquid mixture of hydrocarbons that does not contain more than five one-hundredths grams of lead for each United States gallon, that is produced, refined, manufactured, blended, distilled or compounded from petroleum, natural gas, oil, shale oils or coal and other flammable liquids free from undissolved water, sediment or suspended matter, with or without additives, and that is commonly used as a fuel for spark ignition internal combustion engines. Gasoline does not include diesel fuel or the ethanol blend E85 as defined in ASTM D5798-99.

## **Title 41, Chapter 15, Article 7**

### **41-2131. Definitions**

In this article, unless the context otherwise requires:

1. "Annual throughput" means the amount of gasoline transferred into or dispensed from a gasoline dispensing site during twelve consecutive months.
2. "Clean air act" means the clean air act of 1963 (P.L. 88-206; 42 United States Code section 7401-7671) as amended by the clean air act amendments of 1990 (P.L. 101-549).
3. "Gasoline dispensing site" means any site where gasoline is dispensed into a motor vehicle fuel tank from any stationary storage vessel.
4. "Stage I vapor collection system" means a system where gasoline vapors are forced from a tank into a vapor-tight holding system or vapor control system through direct displacement by the gasoline being loaded.
5. "Stage II vapor collection system" means a system where at least ninety per cent by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.
6. "Vapor control system" means a system that prevents emissions to the outdoor atmosphere from exceeding 4.7 grains per gallon or eight grams per one thousand liters of petroleum liquid loaded.

### **41-2132. Stage I and stage II vapor recovery systems**

A. A person shall not offer for sale, sell, install or use a new gasoline vapor recovery system, or any new or rebuilt component parts of the system, unless the system or component part has been certified by the California air resources board as of March 31, 2001 or after that date and has not been rejected by the department. The department shall maintain and keep current a list of stage I and stage II vapor recovery systems and component parts that are approved by the department. Only those systems that are approved shall be used in this state. All certified vapor recovery components must be clearly identified by a permanent identification affixed by the certified manufacturer or rebuilder.

B. For gasoline dispensing sites with a throughput of over ten thousand gallons per month in area A or area B as defined in section 49-541, and beginning on January 1, 2001 for gasoline dispensing sites with a throughput of over ten thousand gallons per month in area A but outside of the Phoenix area Maricopa county ozone nonattainment area as prescribed in 40 Code of Federal Regulations section 81.303, a person shall not transfer or allow the transfer of gasoline into storage tanks at gasoline dispensing sites unless the storage tank is equipped with either of the following:

1. A stage I vapor collection system consisting of a vapor-tight return line from the storage tank or its vent to the gasoline transport vehicle.

2. A properly installed on-site vapor control system connected to a vapor collection system.

C. In an ozone nonattainment area designated as moderate, serious, severe or extreme by the United States environmental protection agency under section 107(d) of the clean air act, area A or other geographical area as provided in subsection I of this section, an owner or operator of a gasoline dispensing site shall not transfer or allow the transfer of gasoline into a motor vehicle fuel tank at a gasoline dispensing site unless the gasoline dispensing site is equipped with a stage II vapor collection system. This subsection does not apply to gasoline dispensing sites with a throughput of less than ten thousand gallons per month, or to a gasoline dispensing site with a throughput of less than fifty thousand gallons per month in the case of an independent small business marketer of gasoline as defined in section 324 of the clean air act or to a gasoline dispensing site that is located on a manufacturer's proving ground. Beginning on January 1, 2001, this subsection applies to gasoline dispensing sites that are located within area A but outside the Phoenix area Maricopa county ozone nonattainment area as defined in 40 Code of Federal Regulations section 81.303.

D. An owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site subject to stage I or stage II vapor collection requirements shall comply with the following:

1. Install all necessary stage I and stage II vapor collection and control systems and make any modifications necessary to comply with the requirements.

2. Provide adequate training and written instructions to the operator of the affected gasoline dispensing site and the gasoline transport vehicle.

3. Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage I and stage II vapor collection systems.

4. Connect and ensure proper operation of the stage I and stage II vapor collection systems whenever gasoline is being loaded, unloaded or dispensed.

E. Before the initial installation or modification of any stage I or stage II recovery system, the owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site shall obtain a plan review and approval from the department. Application for the plan review and approval shall be on forms prescribed and provided by the department.

F. The operator of each gasoline dispensing site using a stage II vapor recovery system shall conspicuously post operating instructions for the system in the gasoline or oxygenated fuel dispensing area. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles used at the station and shall include a warning that topping off may result in spillage or recirculation of gasoline or oxygenated fuel and is prohibited.

G. The department of weights and measures in consultation with the department of environmental quality and the state fire marshal shall establish by rule standards for the installation and operation of stage I and stage II vapor recovery systems. The department of weights and measures shall establish by rule plan review and approval fees. In establishing those rules and standards, the director shall consider requirements in other states to assure that only state of the art technology is used.

H. Approval of a stage I or stage II vapor collection system by the department does not relieve the owner or operator of the responsibility to comply with other applicable statutes, codes and rules pertaining to fire prevention, environmental quality and safety matters.

I. Any county, city or town outside an ozone nonattainment area designated as moderate, serious or severe by the environmental protection agency under section 107(d) of the clean air act or outside of area A as defined in section 49-541 may require gasoline dispensing sites with a throughput greater than ten thousand gallons per month or fifty thousand gallons per month in the case of an independent small business marketer of gasoline as defined in section 324 of the clean air act to install, operate and maintain stage II vapor collection systems in accordance with this section. For a county, city or town considering the adoption of a resolution to require stage II vapor collection systems within its jurisdiction and on request, the department of environmental quality shall provide technical assistance in evaluating the air quality in that county, city or town and shall provide final review and approval of an adopted resolution.

J. A county board of supervisors or governing body of a city or town shall submit a resolution approved by the department of environmental quality to the director of the department of weights and measures requesting the imposition of the requirements for stage II vapor collection systems within its jurisdiction.

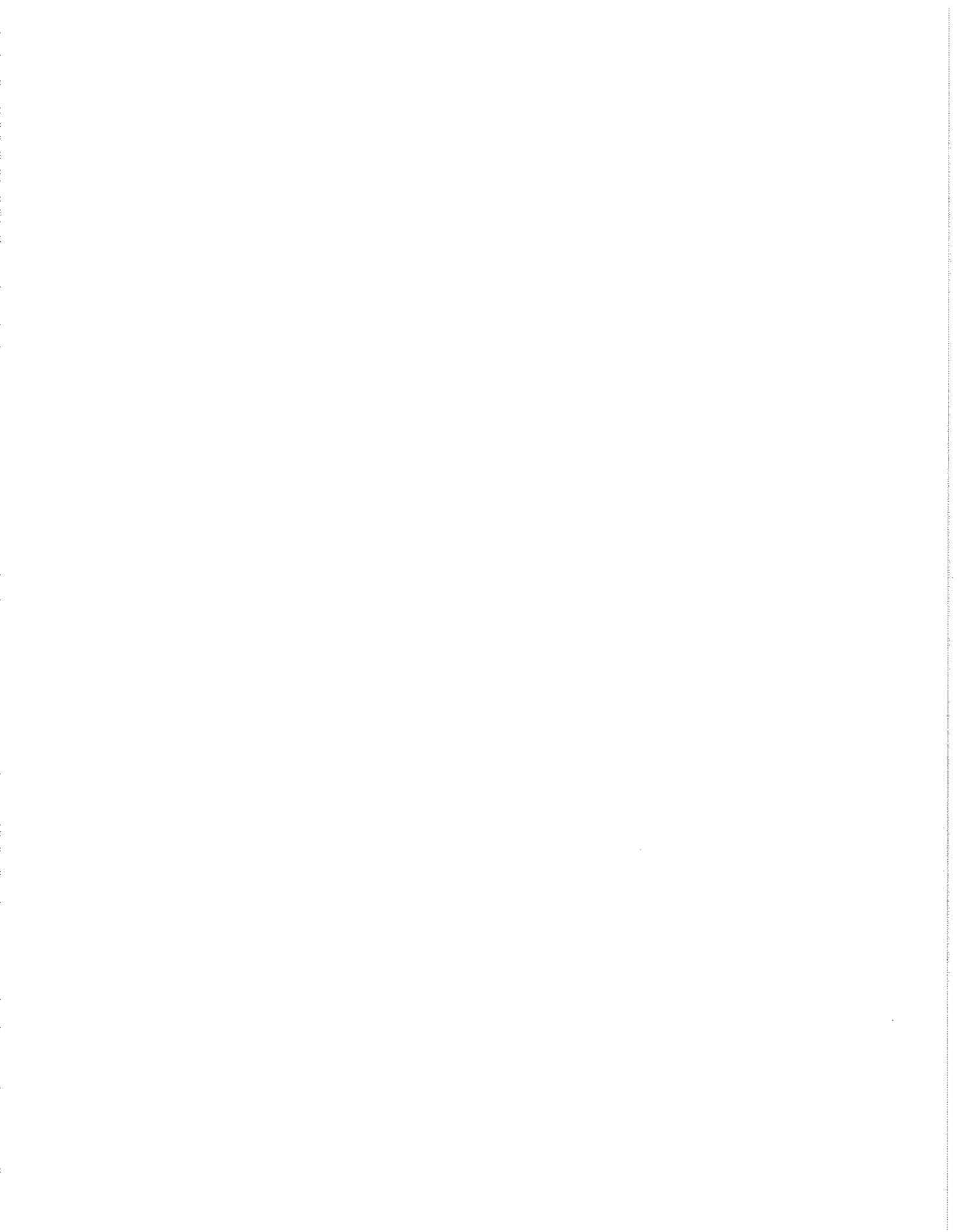
K. The director shall adopt, by rule, compliance schedules for gasoline dispensing sites located within the jurisdiction requesting stage II vapor collection system requirements no later than twelve months after receipt of the resolution from the county board of supervisors or governing board of a city or town. All gasoline dispensing sites other than those that are exempt pursuant to subsection C of this section shall be required to comply with stage II vapor collection system rules within twenty-four months after the rules have been filed with the secretary of state.

L. A county board of supervisors or governing body of a city or town that adopts the requirements for stage II vapor collection systems may repeal those requirements by adopting a resolution to remove the imposition of those requirements within its jurisdiction unless the county, city or town is in an ozone nonattainment area that has since been designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act. On receipt of the resolution, the director of the department of weights and measures shall consult with the director of the department of environmental quality to verify that a county, city or town is outside of an ozone nonattainment area designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act. After consultation with the department of environmental quality, the director of the department of weights and measures shall revise the rules to repeal the requirements for stage II vapor collection systems within that jurisdiction as soon as practicable.

#### **41-2133. Compliance schedules**

Notwithstanding section 41-2132, subsection K relating to schedules of compliance:

1. Gasoline dispensing facilities located in an ozone nonattainment area designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act, in area A or in any other geographical area as provided in section 41-2132, subsection I for which construction began after the certification of rules adopted pursuant to section 41-2132 shall be constructed to include stage I and stage II systems that meet the minimum standards set forth in this chapter and department rules.
2. All gasoline dispensing sites located in an ozone nonattainment area designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act, in area A or in any other geographical area as provided in section 41-2132, subsection I that begin underground storage tank replacement and that apply for a permit pursuant to title 49, chapter 3, article 3 or 5 on or after September 30, 1992 shall be in compliance within six months after the effective date of the rules adopted pursuant to section 41-2132. Compliance with this article is a condition of the permit.



## **Enclosure 4**

### **Arizona Administrative Code:**

- (1) Title 20, chapter 2, article 1, section R20-2-101; and
- (2) Title 20, chapter 2, article 9, sections R20-2-901 - R20-2-905 and R20-2-907 - R20-2-912.

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## ARTICLE 1. ADMINISTRATION AND PROCEDURES

### R20-2-101. Definitions

The definitions in A.R.S. §§ 41-2051, 41-2065, 41-2085, 41-2121, and 41-2131 and the following definitions apply to this Chapter:

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "Administrative order" means a corrective action notice that the Department issues for a violation of A.R.S. Title 41, Chapter 15, or this Chapter, that orders a person to:
  - a. Remove from use or sale, or dispose of, a commercial device, commodity, or liquid fuel;
  - b. Stop selling a commodity or liquid fuel until the person provides documentation to the Department that the weight, measure, fuel quality, or price posting complies with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
  - c. Stop using a commercial device, commodity, liquid fuel, vapor recovery system, or vapor recovery system component, until the person provides documentation to the Department that the weight, measure, fuel, vapor recovery system, or component complies with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
  - d. Stop performing weighmaster, deputy weighmaster, registered service agency, or registered service representative licensed duties until the person provides documentation to the Department that the person is complying with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
  - e. Maintain labeling, policies, and cash register indicator displays according to A.R.S. Title 41, Chapter 15, and this Chapter;
  - f. Stop constructing or modifying a vapor recovery system until the person complies with A.R.S. Title 41, Chapter 15, and this Chapter;
  - g. Excavate a vapor recovery site according to R20-2-104(L);
  - h. Comply with scheduling a test according to R20-2-104(L); or
  - i. Retake a competency examination under A.R.S. § 41-2094.
3. "Application" means, for purposes of R20-2-108, forms designated as applications and all documents and additional information the Department requires an applicant to submit with an application.
4. "ASTM" means American Society for Testing and Materials.
5. "CARB" means the California Air Resources Board.
6. "CARB certified" means, with respect to a vapor recovery system, that the system has been certified in an executive order of the CARB.
7. "Certified prover" means a calibrated device, traceable to the National Institute of Standards and Technology, used for measuring liquid volume.
8. "Completion of construction" means the point when a gasoline dispensing site is placed into or returned into service following installation or modification of an approved vapor recovery system.
9. "Construction commenced" means the point in time when construction of a gasoline dispensing site begins:
  - a. At a location where there was not one previously;
  - b. To replace all gasoline storage tanks; or
  - c. To replace, repair, or modify at least 75% of the facility's gasoline dispensing equipment.
10. "EPA" means the United States Environmental Protection Agency.
11. "Gasoline vapors" means volatile organic compounds in a gaseous state.
12. "Handbook 44" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
13. "Handbook 112" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 112, Examination Procedure Outlines for Commercial Weighing and Measuring Devices, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2002 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
14. "Handbook 130" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
15. "Handbook 133" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 133, Checking The Net Contents of Packaged Goods, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (January 2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions and amendments.
16. "NCWM" means the National Conference on Weights and Measures.
17. "Malfunction" means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.

18. "Modification" means adding to, replacing, or upgrading a site's stage II vapor recovery system, but does not include the repair or replacement of like parts.
19. "Monthly throughput" means the total amount of gasoline transferred into or dispensed from a gasoline dispensing site during one calendar month.
20. "Motor vehicle" means any vehicle equipped with a spark-ignited internal combustion engine, except vehicles that run on or are guided by rails, and vehicles that are designed primarily for travel through air or water.
21. "NIST" means the National Institute of Standards and Technology.
22. "Operator" means a person in control of, or having responsibility for, the daily operation of a gasoline dispensing site.
23. "Out-of-service tag" means a red rejection tag that signifies that a commercial device does not meet the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, or this Chapter.
24. "Person" as defined in A.R.S. § 41-2051, means an owner or operator of a commercial device or vapor recovery system, retail seller, wholesaler, registered supplier, pipeline distributor, packer, manufacturer, licensee, transporter, or consignee.
25. "Placed-in-service" means the certification by a registered service agency or representative that a commercial device may be used, unless the Department orders otherwise.
26. "Placed-In-Service Report" means the form that a registered service representative completes and submits to the Department after placing a commercial device in service.
27. "Product transfer document" means the bill of lading, loading ticket, manifest, delivery receipt, invoice, or other customarily used documentation to denote delivery information for motor fuel.
28. "Retail" means the sale of a commodity to a consumer for profit by someone in the business of selling the commodity.
29. "Seal of authority" means a stamp or press of the Department's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.
30. "Seizure" means taking into physical possession, or otherwise securing for evidence, a commodity, liquid fuel, weight, measure, commercial device, or component of a device by the Department.
31. "Stop-sale, stop-use tag" means a blue tag or blue tape that signifies that a commercial device, including a vapor recovery system or vapor recovery component, or a commodity or liquid fuel, does not meet the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 130, Handbook 133, CARB Executive Orders, or this Chapter.
32. "Underground storage tank" means a tank as described in A.R.S. § 49-1001(18).
33. "Unit" means a quantity adopted as a standard of measurement.
34. "Warning tag" means a yellow tag that signifies a commercial device, vapor recovery system, or vapor recovery component does not comply with A.R.S. Title 41, Chapter 15, Handbook 44, CARB Executive Orders, or this Chapter.
35. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Department, that certifies the accuracy of the weight of the commodity measured.

#### **Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-2). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-101 recodified from R4-31-101 (Supp. 95-1). Citations referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2). Amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

## ARTICLE 9. GASOLINE VAPOR CONTROL

### **R20-2-901. Material Incorporated by Reference**

The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no later amendments or editions:

1. Appendix J.5 of Technical Guidance -- Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Vol. II: Appendices, November 1991 edition (EPA-450/3-91-022b), published by the U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards, Research Triangle Park, North Carolina 27711.
2. San Diego County Air Pollution Control District Test Procedure TP-96-1, March 1996, Third Revision, Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.
3. The following CARB test procedures:
  - a. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.4, Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - b. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.5, Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - c. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2C, Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - d. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.6, Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - e. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2B, Determination of Flow Versus Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-901 recodified from R4-31-901 (Supp. 95-1). Section R20-2-901 repealed; new Section R20-2-901 renumbered from R20-2-902 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

### **R20-2-902. Exemptions**

- A. To obtain an exemption from this Article, a person shall submit a written request to the Department and attest that gasoline throughput at the gasoline dispensing site is not in excess of that specified in A.R.S. § 41-2132(C). By the 15th of each month, beginning the month after the Department approves the exemption, the person shall submit a written throughput report to the Department. If a person does not timely file a monthly throughput report or if a monthly throughput report reflects that the exemption limit is exceeded, the Department deems the exemption void.
- B. To obtain an independent small business marketer exemption, a person shall derive at least 50 percent of the person's annual income from the sale of gasoline at each gasoline dispensing site for which an exemption is requested. The person shall submit a written request for exemption to the Department. The Department shall determine the percentage of total annual income represented by the sale of gasoline on the basis of the person's state and federal gross income for the preceding year for income tax purposes. The following items are excluded from income computations:
  1. Purchase and sale of diesel fuel, and
  2. State lottery sales net commissions and incentives.
- C. Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling facilities are exempt from stage II vapor recovery requirements.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-902 recodified from R4-31-902 (Supp. 95-1). R20-2-902 renumbered to R20-2-901; new Section R20-2-902 renumbered from R20-2-903 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

**R20-2-903. Equipment and Installation**

- A. The Department shall reject a vapor recovery system or component from future installation if:
1. Federal regulations prohibit its use;
  2. The vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in R20-2-901; or
  3. The vapor recovery system or component fails greater than 20% of Department inspections for that system or component or the Department receives equivalent failure results from a vapor recovery registered service agency or from another jurisdiction's vapor recovery program, and the Department provides at least 30 days public notice of its proposed rejection.
- B. The piping of both a stage I and stage II vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I and stage II vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under R20-2-904.
- C. If Department inspection or test data reveal a deficiency in a fitting, assembly, or component that cannot be permanently corrected, the deficient fitting, assembly, or component shall not be used in Arizona.
- D. A stage I spill containment may have a plugged drain rather than a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid. A stage II vapor recovery system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for gasoline storage tanks.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-903 recodified from R4-31-903 (Supp. 95-1). R20-2-903 renumbered to R20-2-902; new Section R20-2-903 renumbered from R20-2-904 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

**R20-2-904. Application Requirements and Process for Authority to Construct Plan Approval**

- A. A person shall not begin to construct a site requiring a vapor recovery system or to make a major modification of an existing vapor recovery system or component before obtaining approval of an authority to construct plan application. A major modification is:
1. Adding or replacing a gasoline storage tank that is equipped with a Department approved stage II vapor recovery system;
  2. Adding or replacing underground piping, vapor piping within a dispenser, or a dispenser at an existing vapor recovery site unless the dispenser replacement is necessary due to unforeseen damage to the existing dispenser; or
  3. Replacing a Department-approved stage II vapor recovery system of one certified configuration with an approved stage II vapor recovery system of a different certified configuration.
- B. A person shall file with the Department a written change order to an authority to construct plan approval on a form provided by the Department if a modification of the approved vapor recovery system or component is needed after the Department issues an authority to construct plan approval. The person shall not make any modification until the Department approves the change order.
- C. To obtain an authority to construct plan approval, a person shall submit to the Department, on a form provided by the Department, the following:
1. The name, address, and phone number of any owner, operator, and proposed contractor, if known;
  2. The name of the stage I or stage II vapor recovery system or component to be installed along with the CARB certification for that system or component;
  3. The street address of the site where construction or major modification will take place with an estimated timetable for construction or modification;
  4. A copy of a blueprint or scaled site plan for the vapor recovery system or component including all equipment and piping detail; and
  5. An application fee.
- D. After review and approval of the authority to construct plan, the Department shall issue the authority to construct plan approval and mail the plan approval to the address indicated on the application.
1. A copy of the authority to construct plan approval shall be maintained at the facility during construction so that it is accessible for Department review.
  2. Construction of a stage II vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work shall be done until an authority to construct plan approval is obtained.
  3. An authority to construct plan approval is not transferable.
- E. The Department shall deny an authority to construct plan for any of the following reasons:
1. Providing incomplete, false, or misleading information; or
  2. Failing to meet the requirements stated in this Chapter.
- F. If excavation is involved, the Department may visually inspect the stage II underground piping of a gasoline dispensing site before the pipeline is buried, for compliance with the authority to construct plan approval. A person who owns or operates a

vapor recovery system or component shall give the Department notice by facsimile at least two business days before the underground piping is complete. The Department shall require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.

- G. After construction is complete, a person who has a valid authority to construct plan approval may dispense gasoline for up to 90 days before final approval, if an initial inspection is scheduled according to R20-2-905.
- H. An authority to construct plan approval expires one year from the date of issue or the completion of construction, whichever is sooner.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-904 recodified from R4-31-904 (Supp. 95-1). R20-2-904 renumbered to R20-2-903; new Section R20-2-904 renumbered from R20-2-905 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

#### **R20-2-905. Initial Inspection and Testing**

- A. Within 10 days after beginning the dispensing of gasoline at a site that requires an authority to construct plan approval, a person shall provide the Department with a written certification of completion by the contractor and schedule an inspection that includes tests and acceptance criteria specified in the authority to construct plan approval. The inspection shall be witnessed by the Department at a time approved by the Department and include any of the following relevant to the specific vapor recovery system installed:
  - 1. A dynamic pressure performance test from each dispenser for each product grade to its associated underground storage tank;
  - 2. A pressure decay test for each vapor control system including nozzles, underground storage tanks, and tank vents. This test shall be performed with caps removed from stage I fill and vapor risers. If the pressure decay test in R20-2-901(1) is used, the Department shall fail the vapor recovery system if gasoline storage tanks have less than 10 percent or greater than 60 percent vapor space. If the pressure decay test in R20-2-901(2) is used, the Department shall fail the vapor recovery system if gasoline storage tanks have less than 15 percent or more than 30,000 gallons vapor space. The Department shall compute combined tank vapor space for manifolded systems;
  - 3. Communication from dispenser to tanks for each product, using the San Diego TP-96-1 and CARB TP-201.4 test procedures;
  - 4. Air to liquid volume ratio by volume meter of a vapor recovery system, using CARB TP-201.5 or CARB-endorsed equivalent procedures to determine air to liquid (A/L) ratios;
  - 5. Spillage of a stage II vapor recovery system, using the CARB TP-201.2C procedure;
  - 6. Liquid removal of a stage II vapor recovery system, using the CARB TP-201.6 procedure;
  - 7. Flow versus pressure for components in a stage II vapor recovery system, using the CARB TP-201.2B procedure; and
  - 8. Procedures specified by a manufacturer for testing the vapor recovery system.
- B. If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
- C. If a site fails to pass any of the tests required by subsection (A), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all the appropriate tests in subsection (A).
- D. A person who cancels an initial inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the inspection within 10 business days after this notification. The Department shall take enforcement action if a person fails to comply with this Section.
- E. A person shall notify the Department when a vapor recovery system or component is repaired after failing an initial inspection. A registered service representative shall not proceed with a reinspection until the Department approves the reinspection date and time.
- F. If a registered service representative does not start an initial inspection pressure decay test within 30 minutes of the scheduled start time, the Department shall fail the initial inspection of that site.
- G. If a person cancels an initial inspection, the person shall reschedule the inspection within 90 days from the date gasoline was first dispensed.
  - 1. The Department shall take enforcement action if the person fails to timely reschedule the inspection.
  - 2. The registered service agency shall notify the Department in writing at least 10 business days before the inspection of the time, date, and location of the inspection.
  - 3. The Department shall notify the registered service agency within five business days, by facsimile or electronic mail, whether it approves the inspection date and time.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-905 recodified from R4-31-905 (Supp. 95-1). R20-2-905 renumbered to R20-2-904; new Section R20-2-905

adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

#### **R20-2-907. Operation**

- A. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless stage II vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.
- B. The owner or operator shall operate a stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.
- C. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, Stage I fittings, and spill containment.
- D. The owner or operator shall immediately stop using a Stage II vapor recovery system or component if one or more of the following system or component defects occur:
  1. A faceplate or facecone of a balance system nozzle does not make a good seal with a vehicle fill tube, or the accumulated damage to the faceplate or facecone is 1/4 or more of its circumference. These conditions also apply to a vacuum assist system that has a nozzle with a bellows and faceplate that seal with a vehicle fill pipe;
  2. When more than 1/4 of the cone is missing for vapor assist systems having bellowless nozzles with flexible vapor deflecting cones;
  3. A nozzle bellows has a triangular tear measuring 1/2 inch or more to a side, a hole measuring 1/2 inch or more in diameter, or a slit or tear measuring one inch or more in length;
  4. A nozzle bellows is loosely attached to the nozzle body, attached by means other than that approved by the manufacturer, or a vapor check valve is frozen in the open position due to impaired motion of the bellows;
  5. Any nozzle liquid shut-off mechanism malfunctions in any manner, the spring or latching knurl for holding the nozzle in place during vehicle fueling is damaged or missing, or a nozzle is without a functioning hold-open latch;
  6. Any nozzle with a defective vapor check valve, or hose having a disengaged breakaway, when all other nozzles are capable of delivering the same grade of fuel from the same turbine pump;
  7. Any vacuum assist nozzle having less than the acceptable number of open vapor collection holes specified by CARB for the particular model of nozzle in service, the nozzle spout rocks or rotates more than 1/8 inch, the spout shows heavy wear with the tip damaged in a way that the largest axis exceeds .84 inch, or the plastic insert in the tip of the spout is loose;
  8. Any nozzle with a dispensing rate greater than 10 gallons per minute when only one nozzle associated with the product supply pump is operating, or a flow restrictor is improperly installed, leaking, or non-CARB approved;
  9. Any nozzle with a physically damaged breakaway or a breakaway showing evidence of product leakage, or a breakaway not approved for the installed system;
  10. A dispenser mounted vacuum pump that is not functioning;
  11. Any vapor recovery hose and, as applicable, the accompanying whip hose, that:
    - a. Is crimped, kinked, flattened, or damaged in any manner that constricts the return flow of vapor;
    - b. For a balance hose, has any slits or tears greater than 1/4 inch in length, perforations greater than 1/8 inch in diameter, or assist system hoses that are cut, torn, or badly worn so as to cause a possible fuel leak;
    - c. Does not fully retract, for approved dispenser configurations using hose retractors, or a balance system hose that exceeds the 10-inch loop requirement where required, or for a hose length that allows a balance hose to touch the ground, or for a vacuum assist hose having more than 6 inches in contact with the ground;
    - d. Does not swivel at the hose/nozzle connection; or
    - e. Does not have a required internal liquid pick-up or the hose with liquid pick-up is improperly assembled for the pick-up to properly function;
  12. Tank vent pipes that are not the proper height, or are not properly capped with approved pressure and vacuum vent valve settings, or where required, vent pipes that do not meet the CARB-specified paint color code for the installed system;
  13. The Stage I installation is not properly installed or maintained, in that:
    - a. Spill containment buckets are cracked, rusted, the sidewalls are not attached or otherwise improperly installed, or spill containment buckets are not clean and empty of liquid, or there are non-functioning drain valves, or drain valves that do not seal;
    - b. A fill adaptor collar or vapor poppet (drybreak) that is loose or damaged, or with a fill or vapor cap that is not installed, is missing, broken, or without gaskets;
    - c. Coaxial Stage I that is not equipped with a functioning CARB-approved poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
    - d. A fill tube is missing, not sealed, has holes, broken or damaged overfill preventors, or if the high point of the bottom opening is more than 6 inches above the tank bottom;
  14. The tank rise cap with instrument lead wire for an electronic monitoring system is not tightly installed, or any other tank riser is not securely sealed and capped;

15. The under-dispenser vapor recovery piping is not securely intact or is crimped, does not slope to the underground vapor pipe riser, hoses used for connection are deteriorated or not approved for use with gasoline, resettable impact type shear valves are closed, or there is any other valve or restriction to impede the vapor path;
  16. An above-ground storage tank that does not display a permanently attached UL approval plaque;
  17. A vacuum assist system with an inoperative central vacuum unit;
  18. A vacuum assist system with an inoperative vapor processing (burner) unit;
  19. A vacuum assist system with a monitoring system certified by CARB or the Authority to Construct that is not operational or malfunctions; or
  20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the Authority to Construct for that system is missing, disconnected, or malfunctioning.
- E. The owner or operator shall also inspect for the presence and proper placement of public information signs required by A.R.S. § 41-2132(F) and this Article.
- F. For a stage II vacuum-assist vapor recovery system, the owner or operator shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by facsimile no more than one day after the malfunction of a central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within five days of the repair to the Department.
- G. Proper operation of the stage I system, pursuant to A.R.S. § 41-2132(D)(4), shall include the requirement to recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- H. Any underground tank tightness test shall be conducted in a manner so that gasoline vapors are not emitted to the atmosphere.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
 Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-907 recodified from R4-31-907 (Supp. 95-1). R20-2-907 renumbered to R20-2-908; new Section R20-2-907 renumbered from R20-2-906 and amended effective October 8, 1998 (Supp. 98-4).

#### **R20-2-908. Training and Public Education**

- A. Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated and maintained in accordance with the manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training for each operator on-site and documentation to the Department on request.
- B. In addition to the information required in A.R.S. § 41-2132(F), an operator of a gasoline dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information on each face of each gasoline dispenser. The headings shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs, and from up to 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of the dispenser.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
 Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-908 recodified from R4-31-908 (Supp. 95-1). R20-2-908 renumbered to R20-2-909; new Section R20-2-908 renumbered from R20-2-907 and amended effective October 8, 1998 (Supp. 98-4).

#### **R20-2-909. Recordkeeping and Reporting**

- A. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done pursuant to this Article.
- B. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage II equipment.
- C. The owner or operator of a gasoline dispensing site that is exempt from requirements to install and operate stage II vapor recovery equipment, pursuant to A.R.S. § 41-2132(C), shall maintain a log at the site showing monthly throughputs. The owner or operator shall annually submit a copy of these logs representing the previous 12 months throughputs to the Department. If any throughput requirement provided in A.R.S. § 41-2132(C) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall within six months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article.
- D. An owner or operator shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4).  
 Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted

again effective June 1, 1993 (Supp. 93-1). Section R4-31-909 adopted as an emergency rule permanently adopted and renumbered to R4-31-910, new Section R4-31-909 adopted effective August 31, 1993 (Supp. 93-3). R20-2-909 recodified from R4-31-909 (Supp. 95-1). R20-2-909 renumbered to R20-2-210; new Section R20-2-909 renumbered from R20-2-908 and amended effective October 8, 1998 (Supp. 98-4).

#### **R20-2-910. Annual Inspection and Testing**

- A. A person shall ensure that an annual inspection, as required by A.R.S. § 41-2065(A)(15), is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by facsimile or electronic mail, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.
- B. The annual inspection shall include the tests defined in R20-2-905(A)(1) through (8) that pertain to the specific vapor recovery system installed.
- C. If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
- D. If a site fails to pass any of the tests required by subsection (B), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all appropriate tests in subsection (B).
- E. After an annual inspection begins, a person shall not make a repair to the vapor recovery system or component until the results of the inspection are recorded.
- F. A registered service representative shall perform all tests according to Article 9 and any other vapor recovery procedure that the Department issues to registered service agencies.
- G. A person who cancels a witnessed inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by facsimile or electronic mail, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.

#### **Historical Note**

Section R4-31-910 renumbered from emergency rule R4-31-909 and permanently adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-910 recodified from R4-31-910 (Supp. 95-1). R20-2-910 renumbered to R20-2-912; new Section R20-2-910 renumbered from R9-2-909 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

#### **R20-2-911. Compliance Inspections**

The Department shall not announce when it plans to conduct a compliance inspection of a stage I or stage II vapor recovery system or component. If results of a compliance inspection reveal a violation of A.R.S. Title 41, Chapter 15, or this Article, the Department shall require the vapor recovery system or component to undergo an appropriate test as specified in R20-2-910.

#### **Historical Note**

Adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

#### **R20-2-912. Enforcement**

If the Department finds that a stage II vapor recovery system or component is defective or non-compliant with one or more of the provisions of this Chapter or A.R.S. Title 41, Chapter 15, the Department shall issue to the owner or operator an administrative order and place a stop-sale, stop-use tag on the non-compliant vapor recovery system or component. The owner or operator may be required to schedule an inspection for a stage II vapor recovery system or component to ensure that it meets all requirements of A.R.S. Title 41, Chapter 15 and this Chapter before the vapor recovery system or component is placed in service.

#### **Historical Note**

Section R20-2-912 renumbered from R20-2-910 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

**Enclosure 5**

**Public Comment and Hearing Documents**

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ADEQ  
AIR QUALITY DIVISION  
09 JUL 30 AM 10: 25

AFFIDAVIT OF PUBLICATION

**THE ARIZONA REPUBLIC**

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

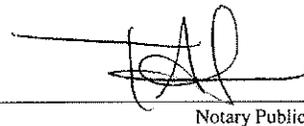
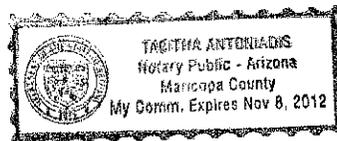
Mark Gilmore, being first duly sworn, upon oath deposes and says: That he is a legal advertising representative of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

July 23, 27, 2009.



Sworn to before me this  
27<sup>TH</sup> day of  
July A.D. 2009

  
Notary Public

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) - PUBLIC HEARING ON THE REVISION TO THE ARIZONA STATE IMPLEMENTATION PLAN (SIP) FOR THE COULDS PROGRAM ADEQ will hold a public hearing to receive comments on the proposed SIP Revision for the Update to the Vapor Recovery Program. This revision updates the Arizona State SIP with the most recently adopted statutes and rules applicable to Stage II vapor recovery requirements at service stations, addressing gasoline and other motor fuels. A public hearing on the SIP Revision will be held on Wednesday, August 26, 2009, at 4:00 p.m., at the Arizona Department of Environmental Quality, Room 145, 1110 West Washington Street, Phoenix, AZ 85007. All interested parties will be given an opportunity at the public hearing to submit relevant comments, data, and views, orally and in writing. The public comment period for this SIP Revision will end upon the closure of this public hearing, or at 5:00 p.m. on August 28, 2009, whichever is later. All written comments should be addressed, faxed, or e-mailed to: John J. Coplanter, Air Quality Planning Section, Arizona Department of Environmental Quality, 1110 W. Washington St. Phoenix, AZ 85007. PHONE: (602) 771-4781 FAX: (602) 771-4366 E-Mail: coplanter.john@adeq.gov A copy of the proposal is available for review on the ADEQ website's Events and Notices Calendar at the following web address: <http://www.adeq.gov/cgi-bin/vertical.pl> or at the following locations: ADEQ Library 1110 W. Washington St. Phoenix, AZ 85007 First Floor Attn: Len Cona (602) 771-2217 Published: July 23, 27, 2009

AFFIDAVIT OF PUBLICATION

ADEQ  
AIR QUALITY DIVISION  
09 JUL 30 AM 10:25

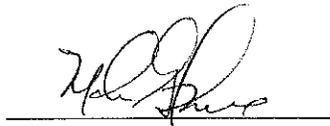
THE ARIZONA REPUBLIC

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

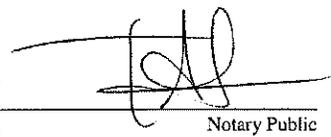
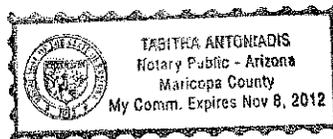
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The Arizona Republic

July 23, 27, 2009.



Sworn to before me this  
27<sup>TH</sup> day of  
July A.D. 2009

  
Notary Public

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)  
PUBLIC HEARING  
ON THE REVISION TO THE ARIZONA STATE SUPPLEMENTATION PLAN (SIP) FOR THE UPDATE TO THE VAPOR RECOVERY PROGRAM  
ADEQ will hold a public hearing to receive comments on the proposed SIP revision for the Update to the Vapor Recovery Program. This revision updates the Arizona State SIP with the most recently adopted statutes and rules applicable to Stage II vapor recovery requirements at service stations dispensing gasoline and other motor fuels.  
A public hearing on the SIP Revision will be held on Wednesday, August 26, 2009 at 4:30 p.m. at the Arizona Department of Environmental Quality, Room 145, 1110 West Washington Street, Phoenix, AZ 85007.  
All interested parties will be given an opportunity at the public hearing to submit relevant comments, data, and views, orally and in writing. The public comment period for this SIP Revision will end upon the closure of this public hearing, or at 5:00 p.m. on August 26, 2009, whichever is later.  
All written comments should be addressed, faxed, or e-mailed to:  
John J. Englander,  
Air Quality Planning Section  
Arizona Department of Environmental Quality  
1110 W. Washington St  
Phoenix, AZ 85007  
PHONE: (602) 771-4781  
FAX: (602) 771-2365  
E-Mail: englander.john@azdeq.gov  
A copy of the proposal is available for review on the ADEQ website's Events and Notices Calendar at the following web address:  
<http://www.azdeq.gov/cpln/vericalat> or at the following locations:  
ADEQ Library  
1110 W. Washington St  
Phoenix, AZ 85007  
First Floor  
Attn: Lori Cona, (602) 771-2211  
Published: July 23, 27, 2009

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)  
**PUBLIC HEARING**  
ON THE REVISION TO THE ARIZONA STATE IMPLEMENTATION PLAN (SIP) FOR  
THE UPDATE TO THE VAPOR RECOVERY PROGRAM

ADEQ will hold a public hearing to receive comments on the proposed SIP Revision for the Update to the Vapor Recovery Program. This revision updates the Arizona State SIP with the most recently adopted statutes and rules applicable to Stage II vapor recovery requirements at service stations dispensing gasoline and other motor fuels.

A public hearing on the SIP Revision will be held on Wednesday, August 26, 2009, at 4:00 p.m., at the Arizona Department of Environmental Quality, Room 145, 1110 West Washington Street, Phoenix, AZ 85007. All interested parties will be given an opportunity at the public hearing to submit relevant comments, data, and views, orally and in writing. The public comment period for this SIP Revision will end upon the closure of this public hearing, or at 6:00 p.m. on August 26, 2009 whichever is later.

All written comments should be addressed, faxed, or e-mailed to:

John J. Englander  
Air Quality Planning Section  
Arizona Department of Environmental Quality  
1110 W. Washington St  
Phoenix, AZ 85007  
PHONE: (602) 771-4781  
FAX: (602) 771-2366  
E-Mail: [englander.john@azdeq.gov](mailto:englander.john@azdeq.gov)

A copy of the proposal is available for review on the ADEQ website's Events and Notices Calendar at the following web address <http://www.azdeq.gov/cgi-bin/vertical.pl> or at the following locations:

ADEQ Library  
1110 W. Washington St  
Phoenix, AZ 85007  
First Floor  
Attn: Lori Cona, (602) 771-2217



## Public Hearing Agenda

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### AIR QUALITY DIVISION

#### **PUBLIC HEARING ON THE PROPOSED STATE IMPLEMENTATION PLAN (SIP) REVISION TO THE ARIZONA STATE SIP FOR THE UPDATE TO THE VAPOR RECOVERY PROGRAM**

PLEASE NOTE THE MEETING LOCATION AND TIME:

ADEQ Building, Hearing Room 145  
1110 West Washington Street, Phoenix, AZ 85007  
Wednesday, August 26, 2009, 4:00 pm

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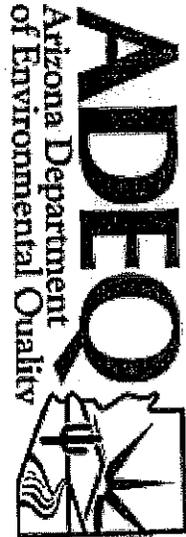
**Pursuant to 40 CFR § 51.102 notice is hereby given that the above referenced meeting is open to the public.**

1. Welcome and Introductions
2. Purposes of the Oral Proceeding
3. Procedure for Making Public Comment
4. Brief Overview of the proposed SIP revision
5. Question and Answer Period
6. Oral Comment Period
7. Adjournment of Oral Proceeding

Copies of the proposal are available for review at the Arizona Department of Environmental Quality (ADEQ) Library, 1110 W. Washington St., Phoenix, Arizona. For additional information regarding the hearing please call John Englander, ADEQ Air Quality Division, at (602) 771-4781 or toll-free at 1-800-234-5677, Ext. 771-4781.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Dan Flukas at (602) 771-4795 or 1-800-234-5677, Ext. 771-4795. Requests should be made as early as possible to allow sufficient time to make the arrangements for the accommodation. This document is available in alternative formats by contacting ADEQ TDD phone number at (602) 771-4829.

*Printed on recycled paper*



Air Quality Division  
Sign-In Sheet

Please Sign In

SUBJECT \_\_\_\_\_ DATE \_\_\_\_\_

NAME	ORGANIZATION	PHONE	FAX	E-MAIL
1. David Burson	Franklin Fueling	602 639 0944		burson@franklinfueling.com
2. EM LOCHNER	EMON Spas & Spa	602 415 3394	602 415 3105	emlochner@emton.com
3. Ray Exum	FARWEST SMLS	602 653 3306		rayexum@yahoo.com
4. Randy Sellack	MAG	602-452-5063		rsellack@murphyinc.com
5. Cathy Mankowski	ADEQ	602-771-2372		Cathy.Mankowski@adeq.gov
6. Darcy Anderson	Kleinfelder	480-763-1200	480-763-1212	danderson@kleinfelder.com
7. _____				
8. _____				



Air Quality Division

Public Hearing Presiding Officer Certification

I, Wendy Flood, the designated Presiding Officer, do hereby certify that the public hearing held by the Arizona Department of Environmental Quality was conducted on August 26, 2009, at the Arizona Department of Environmental Quality Building, Room 145, 1110 West Washington Street, Phoenix, AZ 85007, in accordance with public notice requirements by publication in the Arizona Republic and other locations beginning July 23, 2009. Furthermore, I do hereby certify that the public hearing was recorded from the opening of the public record through concluding remarks and adjournment, and the transcript provided contains a full, true, and correct record of the above-referenced public hearing.

Dated this 1 day of September

Wendy Flood
Wendy Flood

State of Arizona )
) ss.
County of Maricopa )

Subscribed and sworn to before me on this 1 day of September 2009

Laura McFarland
Notary Public

My commission expires: 4/2/12





1 Environmental Quality, 1110 W. Washington Street, Phoenix, 85007 or  
2 englander.john@azdeq.gov. Comments may also be faxed to (602) 771-2366.

3  
4 Comments made during the formal comment period are required by law to  
5 be considered by the Department when preparing the final state implementation  
6 plan. This is done through the preparation of a responsiveness summary in which  
7 the Department responds in writing to written and oral comments made during the  
8 formal comment period.

9  
10 The agenda for this hearing is simple. First, we will present a brief overview  
11 of the proposed revision to the state implementation plan.

12  
13 Second, I will conduct a question and answer period. The purpose of the  
14 question and answer period is to provide information that may help you in making  
15 comments on the proposed revision.

16  
17 Thirdly, I will conduct the oral comment period. At that time, I will begin to  
18 call speakers in the order that I have received speaker slips.

19  
20 Please be aware that any comments at today's hearing that you want the  
21 Department to formally consider must be given either in writing or on the record at  
22 today's hearing during the oral comment period of this proceeding.

23  
24 At this time, John Englander will give a brief overview of the proposal.

25  
26 \* \* \* \* \*

27  
28 JOHN ENGLANDER: On August 27, 1993, the Arizona Department of  
29 Weights and Measures (ADWM) adopted Stage II vapor recovery rules, designed  
30 to control VOC emissions during the refueling of motor vehicles. ADEQ submitted  
31 the rules as a SIP revision on May 27, 1994. Full approval for the program was  
32 granted by EPA effective January 3, 1995 (59 FR 54521, November 1, 1994).  
33 Subsequent legislative action (HB 2001, 1997) required ADWM to adopt rules to  
34 enhance the program. Since then, a quality assurance and control program has been  
35 implemented by the Department.

36  
37 This revision updates the Arizona State SIP with the most recently adopted  
38 statutes and rules applicable to Stage II vapor recovery requirements at service  
39 stations dispensing gasoline and other motor fuels.

40

1 HEARING OFFICER FLOOD: This concludes the explanation period of  
2 this proceeding on the proposed revision to the state implementation plan.

3  
4 \* \* \* \* \*

5  
6 Are there any questions before we move to the oral comment period?

7  
8 Hearing none, this concludes the question and answer period of this proceeding on  
9 the proposed state implementation plan revision.

10  
11 \* \* \* \* \*

12  
13 I now open this proceeding for oral comments.

14  
15 Seeing no speaker slips, this concludes the oral comment period of this proceeding.

16  
17 \* \* \* \* \*

18  
19 If you have not already submitted written comments, you may submit them to me  
20 at this time. Again, the comment period for this proposed revision to the state  
21 implementation plan ends August 26, 2009.

22  
23 Thank you for attending.

24 The time is now 4:10. I now close this oral proceeding.

## Enclosure 5e: Responsiveness Summary

The oral proceeding on the Proposed SIP Revision to the Arizona State SIP for the Update to the Vapor Recovery Program was held on Wednesday, August 26, 2009, 4:00 p.m. to 4:10 p.m. at the Arizona Department of Environmental Quality (ADEQ) building, 1110 W. Washington Street, Phoenix, AZ 85007. The public comment period closed at 6:00 on Wednesday, August 26, 2009. No oral or written comments were received during the public comment period. During the final review of the proposed SIP revision, ADEQ determined no further clarifications were needed.