FINAL-FORM RULEMAKING
Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

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CARB Executive Order—A document issued by CARB certifying **[that a specified engine]**__**one of the following, unless otherwise specified:**__

__**(i) That a specified engine**__ family or model year vehicle has met applicable Title 13 CCR requirements for certification and sale in California.

__**(ii) That a specified Phase I vapor recovery system or component of a Phase I vapor recovery system meets applicable requirements for certification and sale in California.**__

__**(iii) That a specified type of non-vapor recovery equipment, such as a low permeation hose, is certified for use at a gasoline dispensing facility that does not have a Stage II vapor recovery system.**__

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Dealer—A person who is engaged in the sale or distribution of new motor vehicles or new motor vehicles to the ultimate purchaser as defined in section 216(4) of the Clean Air Act (42 U.S.C.A. § 7550(4)).

__***Decommission*—To permanently disconnect a Stage II vapor recovery system that is in active service by following procedures under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system).**__

Decorative interior panel—Interior wall paneling that is usually grooved, frequently embossed and sometimes grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, MDF or particleboard.

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Gasoline dispensing facility—A __**stationary**__ facility __**with an underground storage tank**__ from which gasoline is transferred to motor vehicle fuel tanks.

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Monongahela Valley air basin—The following political subdivisions in Fayette County: Belle Vernon Borough, Brownsville Borough, Brownsville Township, Fayette City Borough, Jefferson Township, Newell Borough and Washington Township; the following political subdivisions in Washington County: Allenport Borough, California Borough, Carroll Township, Charleroi Borough, Coal Center Borough, Donora Borough, Dunlevy Borough, Elco Borough, Fallowfield Township, Finleyville Borough, Long Branch Borough, Monongahela City, New Eagle Borough, North Charleroi Borough, Roscoe Borough, Speers Borough, Stockdale Borough, Twilight Borough, Union Township and West Brownsville Borough; and the following political subdivisions in Westmoreland County: Monessen City, North Belle Vernon Borough, Rostraver Township and West Newton Borough.

***Monthly throughput*—The total volume of gasoline loaded into, or dispensed from, gasoline storage tanks located at a gasoline dispensing facility. The term is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during a single day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during the previous 364 days, and then dividing that sum by 12.**

Motor vehicle—A self-propelled vehicle designed for transporting persons or property on a street or highway.

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Petroleum refinery – A facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products, through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

Phase I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Stage I vapor recovery system.

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

Phase II vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline storage tank at a gasoline dispensing facility to a motor vehicle fuel tank by returning the vapors to the storage tank.

(ii) The term includes a Stage II vapor recovery system.

Pittsburgh-Beaver Valley Area—The seven-county area comprised of the following Pennsylvania counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

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Pressed glass—Glassware formed by placing a blob of molten glass in a metal mold, then pressing it with a metal plunger or ''follower'' to form the inside shape. The resultant piece, termed ''mold-pressed,'' has an interior form independent of the exterior, in contrast to mold-blown glass, whose interior corresponds to the outer form.

***Pressure/vacuum vent valve*—A relief valve installed on the vent stack of a gasoline storage tank system that is designed to open within a specific pressure range to protect the storage tank system from excessive pressure or vacuum.**

Pretreatment coating—An organic coating that contains at least 0.5% acids by weight and is applied directly to metal surfaces of aerospace vehicles and components to provide surface etching, corrosion resistance, adhesion and ease of stripping.

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Spray gun—A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

***Stage I enhanced vapor recovery system*—A Phase I vapor recovery system for which a CARB Executive Order has been issued certifying that it meets the enhanced vapor recovery system standards specified in the CARB CP-201, "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities."**

Stage I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Phase I vapor recovery system and a Stage I enhanced vapor recovery system.

***Stage II vacuum assist vapor recovery system*—A Stage II vapor recovery system that creates a vacuum to assist the movement of vapors back into the gasoline storage tank for storage or processing.**

***Stage II vapor balance vapor recovery system*—A Stage II vapor recovery system that uses direct displacement to collect or process vapors at a gasoline dispensing facility.**

***Stage II vapor recovery system*—**

(i) Equipment and components that control vapors during the transfer of gasoline from a gasoline storage tank at a gasoline dispensing facility to a motor vehicle fuel tank and during the storage of gasoline at a gasoline dispensing facility.

(ii) The term includes a Phase II vapor recovery system, A STAGE II VACUUM ASSIST VAPOR RECOVERY SYSTEM AND A STAGE II VAPOR BALANCE VAPOR RECOVERY SYSTEM.

Stain—For purposes of wood furniture manufacturing operations under §§ 129.101—129.107, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains and toners.

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Stockpiling—The act of placing, storing and removing materials on piles exposed to the outdoor atmosphere. Placing refers to the deposition of material onto the pile. Removing refers to disturbing the pile either for loading of material into or onto vehicles for transportation purposes or for material handling. Material that is not to be utilized in the production of a product or is not itself a useful product is excluded from the definition of stockpile material. Operations which consist entirely of transferring material between different transportation conveyances are also excluded from this definition.

***Storage tank system*—The term has the meaning as defined in section 245.1 (relating to definitions).**

Strippable spray booth coating—A coating that meets the following requirements:

(i) Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process including wood furniture manufacturing operations.

(ii) Is subsequently peeled off and disposed.

(iii) Reduces or eliminates the need to use solvents to clean spray booth walls by meeting the conditions of subparagraphs (i) and (ii).

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Type II chemical milling maskant—A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant.

***UMI*—The term has the meaning as defined under the term "certification categories" in section 245.1 (relating to definitions).**

***UMX*— The term has the meaning as defined under the term "certification categories" in section 245.1 (relating to definitions).**

***Ullage*—The empty volume of a gasoline storage tank system that contains liquid gasoline, expressed as accumulated gallons of empty volume for all gasoline storage tanks in the manifold system.**

Ultimate consumer—With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

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Ultra low emission vehicle—A vehicle certified as an ultra low emission vehicle under the Clean Air Act.

***Underground storage tank* – The term has the meaning as defined in section 245.1 (relating to definitions).**

Undersea-based weapons systems components—The fabrication of parts, parts assembly or completed units of a portion of a missile launching system used on undersea ships.

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CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOCs

§ 129.61. Small gasoline storage tank control (Stage I control).

(a) ***Applicability.*** This section applies Statewide to **[stationary]** **the owner and operator of a** gasoline storage **[tanks]** **tank** with a capacity of greater than 2,000 gallons.

(b) ***Transfer requirements.*** A person may not transfer gasoline from a **[delivery vessel]** **gasoline tank truck** into a **[stationary]** gasoline storage tank **at a gasoline dispensing facility** unless the displaced vapors from the storage tank are transferred to the dispensing **[delivery]** tank **of the gasoline tank truck** through a vapor **[right] tight** return line and unless the **[receiving] gasoline dispensing facility storage** tank is equipped with a submerged fill pipe which extends from the filling orifice to within 6 inches of the bottom of the **storage** tank. **[The vapors collected in the dispensing tank shall be disposed of in accordance with § 129.59 or § 129.60(c) (relating to bulk gasoline terminals; and bulk gasoline plants).]**

(c) ***Gasoline tank truck dispensing tank requirements.*** The dispensing **[delivery]** tank **of a gasoline tank truck [shall] must** remain vapor tight at all times**[. The delivery], except that the dispensing** tank may be opened after the vapors are disposed of **[in accordance with] under** § 129.59 or § 129.60(c).

(d) *Additional requirements.* An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).

§ 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control.

(a) *Applicability*. Beginning _____ (*Editor's note*: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), this section applies to the owner and operator of a gasoline storage tank subject to § 129.61 (relating to small gasoline storage tank control (Stage I control)) if the gasoline storage tank is located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County and, if one of the following is met:

(1) Except as specified in paragraph (2), the gasoline dispensing facility has had a monthly throughput greater than 10,000 gallons (37,850 liters) of gasoline assessed on December 31 annually, beginning with the _____ (*Editor's note:* The blank refers to the year preceding the year this final-form rulemaking becomes effective) calendar year.

(2) The owner or operator of the gasoline dispensing facility is an independent small business marketer of gasoline as defined under section 324(c) of the Clean Air Act (42 U.S.C.A. § 7625(c)) and the gasoline dispensing facility has had a monthly throughput equal to or greater than 50,000 gallons (189,250 liters), assessed on December 31 annually beginning with the _____ (*Editor's note:* The blank refers to the year preceding the year this final-form rulemaking becomes effective) calendar year.

(3) The monthly throughput of the gasoline dispensing facility exceeds the applicable monthly throughput threshold of paragraph (1) or paragraph (2) at any time after _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.) but later falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2). The owner

and operator of the gasoline dispensing facility remain subject to the applicable requirements of this section for the gasoline dispensing facility, even after the monthly throughput falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2).

(b) *CARB vapor recovery test procedures.* The following are the CARB vapor recovery test procedures specified in this section:

(1) CARB TP-201.1E—"Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves," adopted October 8, 2003, including updates and revisions.

(2) CARB TP-201.3—"Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities," adopted April 12, 1996 and amended March 17, 1999 and July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—"Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)," adopted March 17, 1999, including updates and revisions.

(4) CARB TP-201.1B – "Static Torque of Rotatable Phase I Adaptors," adopted July 3, 2002 and amended October 8, 2003, including updates and revisions.

(c) *Vapor leak rate monitoring procedures*. The owner or operator of a gasoline dispensing facility subject to this section shall monitor the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks in one of the following ways:

(1) Perform specified test procedures under subsection (d).

(2) Perform continuous monitoring under subsections (e), (h), (i) and (j).

(d) *Vapor leak rate monitoring using specified test procedures*. The owner or operator of a gasoline dispensing facility monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(1) shall do all of the following:

(1) Conduct each of the CARB TP-201.1E, CARB TP-201.3 and CARB TP-201.3C test procedures at least once in every 12-month period. Also, if the Stage I vapor recovery system is equipped with a rotatable adaptor, conduct a CARB TP-201.1B test procedure once in every 12-month period.

(i) These four test procedures may be conducted simultaneously, consecutively or separately at different times during the 12-month period.

(ii) Repair to a component on, or correction to, the Stage I vapor recovery system may not be made on the day of the CARB TP-201.3 or CARB TP-201.3C test procedure prior to completion of the test procedure.

(iii) Repair to a component on, or correction to, the Stage I vapor recovery system must be made within 10 days following a failed CARB TP-201.1E, CARB TP-201.3, CARB TP-201.1B or CARB TP-201.3C test procedure.

(iv) If a repair to a component on, or correction to, the Stage I vapor recovery system is made to pass the CARB TP-201.3 test procedure, then the CARB TP-201.3 test procedure must be conducted once in every 6-month period. The first test procedure conducted under this subparagraph must be conducted in the month that the repair to a component on, or correction to, the Stage I system is made under subparagraph (iii). The once-in-every-12-month period CARB TP-201.3 test procedure may resume when two consecutive once-in-every-6-month period CARB TP-201.3 test procedures do not reveal a failure requiring repair or correction.

(v) PERFORM CARB TP-201.1E, CARB TP-201.3, CARB TP-201.3C AND CARB TP-201.1B ON OR BEFORE _____ AND ON AN ANNUAL BASIS THEREAFTER. (*Editor's note*: The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

(i) The name of the test procedure.

(ii) The name of the person performing the test procedure.

(iii) The date the test procedure was performed.

(iv) The result of the test procedure.

(v) The date, time, type and duration of the vapor leak rate failure.

(vi) The name of the person correcting the vapor leak rate failure.

(vii) The date the vapor leak rate failure was corrected.

(viii) The action taken to correct the vapor leak rate failure.

(e) *Continuous vapor leak rate monitoring*. The owner or operator of a gasoline dispensing facility that is continuously monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(2) shall design, install, operate and maintain both of the following:

(1) A Stage I enhanced vapor recovery system for which a CARB Executive Order is issued, is valid at the time of installation and remains valid during the operation of the Stage I enhanced vapor recovery system.

(2) A continuous pressure monitoring system as identified in Exhibit 1 Section II, Exhibit 2 Section II and Exhibit 3 Section II of CARB Executive Order VR-202-R, "Relating to Certification of Vapor Recovery Systems Assist Phase II Enhanced Vapor Recovery (EVR) System including In-Station Diagnostics (ISD)," dated December 8, 2014 including updates and revisions. The continuous pressure monitoring system must meet all of the following:

(i) Include a console, a vapor pressure sensor, an automatic gasoline storage tank system pressure gauge and vapor leak rate detection software.

(ii) Operate at least 95% of the time on a calendar-month basis.

(iii) Calculate and record the percentage of continuous pressure monitoring system operational time.

(iv) Measure once every 7 days the vapor leak rate from the gasoline storage tank system at any working ullage pressure, both positive and negative.

(v) Measure the gasoline storage tank system pressure once every 7 days.

(vi) Record once every 7 days, with not more than 7 days between recordings, the calculated percentage of time that the gasoline storage tank system pressure is at least 0.5 inches of water column below the positive cracking pressure of the pressure/vacuum vent valve.

(f) ***Stage I vapor recovery system installation requirements.*** **The owner or operator of a gasoline dispensing facility subject to this section that installs a Stage I vapor recovery system shall do all of the following:**

(1) Perform, and ensure that the Stage I vapor recovery system passes, all of the following CARB vapor leak rate monitoring test procedures within 10 days of installation of the Stage I vapor recovery system:

(i) CARB TP-201.1B if the Stage I vapor recovery system is equipped with a rotatable adaptor.

(ii) CARB TP-201.1E.

(iii) CARB TP-201.3.

(iv) CARB TP-201.3C.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

(i) The completion date of installation of the Stage I vapor recovery system.

(ii) The name of the test procedure.

(iii) The name of the person performing the test procedure.

(iv) The date the test procedure was performed.

(v) The result of the test procedure.

(vi) The date, type and duration of a vapor leak rate failure.

(vii) The name of the person correcting the vapor leak rate failure.

(viii) The date the vapor leak rate failure was corrected.

(ix) The action taken to correct the vapor leak rate failure.

(3) Maintain onsite at the gasoline dispensing facility a copy of the CARB Executive Order specified in subsection (e)(1).

(4) Install and maintain a pressure/vacuum vent valve on each atmospheric vent of the underground storage tank.

(g) *Monitoring the condition of the Stage I vapor recovery system components and other gasoline dispensing components.* The owner or operator of a gasoline dispensing facility with a Stage I vapor recovery system shall monitor the condition of the Stage I vapor recovery system components and other gasoline dispensing components in accordance with all of the following, as applicable:

(1) Perform an inspection after each gasoline tank truck delivery to check all of the following:

(i) That each fill pipe adaptor and Stage I adaptor is tightly sealed.

(ii) That each Stage I dry break is tightly sealed.

(iii) That each automatic tank gauge cap is tightly sealed.

(2) Perform an inspection one time per month to check all of the following:

(i) That each automatic tank gauging electrical grommet and vent extractor cap is in good working order.

(ii) That the riser and pressure/vacuum vent valve and cap are installed and not damaged above ground level.

(iii) That there are no tears or holes in gasoline hoses.

(iv) That gasoline nozzles are functioning according to their design.

(v) That gasoline hoses are not touching the ground when the nozzle is resting on its holding bracket.

(vi) That each gasoline nozzle fits in its holding bracket.

(vii) If a Stage II vapor balance vapor recovery system is installed, that a face plate can make a positive seal.

(viii) If a Stage II vapor balance vapor recovery system is installed, that the bellows are free of tears and holes.

(3) Make the needed correction to the Stage I system under paragraph (1) or make the needed repair to a failed component under paragraphs (1) and (2) as soon as possible before the next scheduled monthly inspection.

(4) Record all of the following information, as applicable, for each monitoring inspection conducted under paragraphs (1) and (2) and for each correction to the Stage I system or repair to a failed component made under paragraph (3):

(i) The name of the person performing the inspection.

(ii) The component inspected under paragraphs (1) and (2).

(iii) The date the inspection was performed.

(iv) The result of each inspection of the components under paragraphs (1) and (2).

(v) The name of the person making the correction to the Stage I system or the repair to a failed component.

(vi) The date the correction was made to the Stage I system or the repair was made to the failed component.

(vii) The action taken to correct the Stage I system or to repair the failed component.

(h) ***Vapor leak rate of the gasoline storage tank system.*** **The owner or operator of a gasoline dispensing facility that is monitoring the vapor leak rate of the gasoline storage tank system with a continuous pressure monitoring system under subsection (c)(2) shall do all of the following:**

(1) Maintain the gasoline storage tank system at a vapor leak rate less than two times the allowed vapor leak rate.

(i) The allowed vapor leak rate must be determined under CARB TP-201.3.

(ii) Equation 9-2 with N=1-6 from CARB TP-201.3 must be used to determine the allowed vapor leak rate.

(2) Generate a report in electronic format once per day for the previous calendar day. The report must record the following:

(i) Continuous pressure monitoring system operational time as a percentage.

(ii) Percentage of time the tank system pressure is above atmospheric pressure.

(iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(3) Generate a report in electronic format by the 15th of the month for the previous calendar month which records the following:

(i) Continuous pressure monitoring system operational time as a percentage.

(ii) Percentage of time the tank system pressure is above atmospheric pressure.

(iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(iv) Warnings generated when the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subparagraph (1), including the date and time of each warning.

(4) Store the electronic records of the reports generated in paragraphs (2) and (3) in a manner to maintain the records despite loss of power to the continuous pressure monitoring system.

(5) Follow the applicable procedures of subsections (i) and (j) if the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under paragraph (1).

(6) Perform, and ensure that the continuous pressure monitoring system passes, the continuous pressure monitoring system operability test as specified in Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order VR-202-R, one time every 3 years after the date the continuous pressure monitoring system is installed.

(7) Record all of the following information for the continuous pressure monitoring system operability test specified in paragraph (6):

(i) The name of the person performing the test.

(ii) The date the test was performed.

(iii) The result of the test.

(8) If the continuous pressure monitoring system fails the operability test required under paragraph (6), the owner or operator shall repair and retest the continuous pressure monitoring system under paragraph (6) within 10 days.

(9) If the continuous pressure monitoring system fails the operability test required under paragraph (6), record all of the following information:

(i) The name of the person recording the operability test failure.

(ii) The date and time the continuous pressure monitoring system failed the operability test.

(iii) The type and duration of the operability test failure.

(iv) The name of the person correcting the operability test failure.

(v) The date the repair was made to correct the operability test failure.

(vi) The action taken to correct the operability test failure.

(10) Maintain the records required under paragraphs (7) and (9), as applicable, onsite at the gasoline dispensing facility for 6 years.

(i) *First exceedance of the allowed vapor leak rate*. If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subsection (h)(1), then all of the following must occur:

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator shall do all of the following:

(i) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm. If this correction does not require a repair or correction to the gasoline storage tank system, the person correcting the cause of the failure need not meet the certification requirements under subsection (q).

(ii) Reset the continuous pressure monitoring system when the correction under subparagraph (i) is made.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(iv) Record the date, time, duration and reason for a warning alarm that did not indicate a vapor leak rate failure.

(j) ***Second exceedance of the allowed vapor leak rate.*** **Following the action taken to correct the cause of the failure under subsection (i)(2)(i), the continuous pressure monitoring system must recommence monitoring the gasoline storage tank system. If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate within 7 calendar days following the correction made under subsection (i)(2)(i), then all of the following must occur:**

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator of the gasoline dispensing facility shall do all of the following:

(i) Reset the continuous pressure monitoring system as soon as the vapor leak rate failure is corrected.

(ii) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm.

(A) The person correcting a failure to the gasoline storage tank system must meet the certification requirements under subsection (q).

(B) The person correcting a failure to the continuous pressure monitoring system must meet the certification requirements under subsection (q) or must be authorized to make repairs by the continuous pressure monitor manufacturer.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(k) ***Low permeation hoses and enhanced conventional nozzles.*** **An owner or operator of a gasoline dispensing facility that is subject to this section and does not have a Stage II vapor recovery system shall do all of the following:**

(1) Install and maintain low permeation hoses on each gasoline dispenser at the gasoline dispensing facility as follows:

(i) For a gasoline dispensing facility in operation on or before _____ (*Editor's note*: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses by _____ (*Editor's note*: The blank refers to the date 2 years after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.) on each gasoline dispenser that is located at the gasoline dispensing facility as of _____ (*Editor's note*: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.).

(ii) For a gasoline dispenser installed after _____ (*Editor's note:* The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses described in subparagraph (iv) upon installation of the gasoline dispenser.

(iii) For a gasoline dispensing facility that begins operation after _____ (*Editor's note*: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses described in subparagraph (iv) upon installation of each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install low permeation hoses that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(2) Install and maintain enhanced conventional nozzles on each gasoline dispenser as follows:

(i) The owner or operator shall replace each conventional nozzle with an enhanced conventional nozzle within 2 years after the Department publishes notice in the *Pennsylvania Bulletin* of the CARB Executive Officer having issued an Executive Order of Certification to a second manufacturer for an enhanced conventional nozzle.

(ii) For a gasoline dispenser installed at the gasoline dispensing facility after the Department publishes the *Pennsylvania Bulletin* notice referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles.

(iii) For a gasoline dispensing facility that begins operating after the Department publishes the notice in the *Pennsylvania Bulletin* referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles on each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install enhanced conventional nozzles that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(l) *Additional requirements for gasoline dispensing facilities*. The owner or operator of a gasoline dispensing facility subject to this section shall do all of the following:

(1) Provide necessary maintenance and make modifications to the vapor control system of the gasoline dispensing facility necessary to comply with the applicable requirements of this section.

(2) Provide adequate training and written instructions to the operator of the gasoline dispensing facility to ensure proper operation of the vapor control system.

(3) Maintain onsite at the gasoline dispensing facility a copy of the training schedule and written instructions required under paragraph (2).

(4) Immediately remove from service and tag a defective nozzle or other component of the gasoline dispensing system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds during an inspection that a defective nozzle or other component of the gasoline dispensing system is not properly tagged, the component may not be returned to service until the defect is corrected and the Department approves its return to service.

(5) Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area. The operating instructions must include, at a minimum, all of the following information:

(i) A clear description of how to correctly dispense gasoline with the nozzles used at the site.

(ii) A warning that continued attempts to dispense gasoline after the gasoline dispensing system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.

(iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

(m) *Recordkeeping and reporting requirements*. The owner or operator of a gasoline dispensing facility subject to this section that creates a record under subsection (d)(2), (f)(2), (g)(4), (h)(4), (h)(10), (i)(2)(iii) or (j)(2)(ii) shall do both of the following:

(1) Maintain the required records onsite at the gasoline dispensing facility for 2 years, unless specified otherwise in this section or unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(2) Submit the records to the Department in an acceptable format upon receipt of a request from the Department.

(n) *Record certifying the Stage I enhanced vapor recovery system*. An owner or operator proceeding under subsection (c)(2) shall maintain onsite at the gasoline dispensing facility a copy of the valid CARB Executive Order required under subsection (e)(1) for the duration of the operation of the Stage I enhanced vapor recovery system. The copy must be made available to the Department upon receipt of a request.

(o) *Record certifying the low permeation hoses and enhanced conventional nozzles*. The owner or operator shall maintain onsite at the gasoline dispensing facility OR ELECTRONICLLY STORED ALLOWING FOR ONSITE EXAMINATION a copy of the CARB Executive Order required under subsection (k)(1) and (2) for the duration of the use of the low permeation hoses and enhanced conventional nozzles, respectively. The copy must be made available to the Department upon receipt of a request.

(p) *Record of training schedule and written instructions*. The owner or operator shall maintain onsite at the gasoline dispensing facility a copy of the training schedule and written instructions required under subsection (l)(2) for the duration of the operation of

the vapor control system. The copy must be made available to the Department upon receipt of a request.

(q) *Certification requirements for a person who performs underground storage tank system installation or modification work.*

(1) The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(i) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(ii) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(2) A person only performing a test specified under subsection (b) is not required to be certified under this subsection.

MOBILE SOURCES

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

(a) **[After the date specified in paragraph (1), (2) or (3), an owner or operator of a gasoline dispensing facility subject to this section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 90% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.**

(1) This paragraph applies to gasoline dispensing facilities located in areas classified as moderate, serious or severe ozone nonattainment areas under section 181 of the Clean Air Act (42 U.S.C.A. § 7511) including the counties of Berks, Bucks, Chester, Delaware, Montgomery, Philadelphia with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section shall not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).

(i) Facilities for which construction was commenced after November 15, 1990, shall achieve compliance by May 15, 1993.

(ii) Facilities which dispense greater than 100,000 gallons (378,500 liters) of gasoline per month, based on average monthly sales for the 2-year period immediately preceding November 15, 1992, shall achieve compliance by November 15, 1993.

(iii) Other affected facilities shall achieve compliance by November 15, 1994.

(2) Gasoline dispensing facilities with annual throughputs greater than 10,000 gallons (37,850 liters) in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall be subject to this section immediately upon the addition or replacement of one or more underground gasoline storage tanks for which construction was commenced after November 15, 1992.

(3) This paragraph applies to gasoline dispensing facilities located in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section does not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).

(i) Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.

(ii) Facilities which dispense greater than or equal to 120,000 gallons (454,200 liters) of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall achieve compliance by July 1, 1999.

(iii) Facilities which dispense greater than 90,000 gallons (340,650 liters) per month but less than 120,000 gallons (454,200 liters) per month based on average monthly sales during calendar years 1995 and 1996 shall achieve compliance by December 31, 2000.

(4) For purposes of this section, the term "construction" includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.]

Applicability. **This section applies to the owner and operator of a gasoline dispensing facility equipped with a Stage II vapor recovery system and located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County.**

(b) ***Operating requirements.*** **[Owners or operators] The owner or operator**, or both, of **a** gasoline dispensing **[facilities] facility** subject to this section shall **meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system)**:

(1) **[Install necessary Stage II vapor collection and control systems, provide]**

Maintain a Department-approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 90% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.

(2) Provide necessary maintenance and make modifications necessary to comply with **[the requirements] this section**.

[(2)] (3) Provide adequate training and written instructions to the operator of the **[affected]** gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.

[(3)] (4) Immediately remove from service and tag **[any] a** defective **vapor recovery hose,** nozzle or **[dispensing] other component of the Stage II vapor recovery** system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds **during an inspection** that a defective **vapor recovery hose,** nozzle or **[dispensing] other component of the Stage II vapor recovery** system is not properly tagged **[during an inspection]**, the component may not be returned to service until the defect is corrected **[,]** and the Department approves its return to service.

[(4)] (5) Conspicuously **[post-operating] post the operating** instructions for the **gasoline dispensing** system in the gasoline dispensing area which, at a minimum, include:

(i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles **[utilized] used** at the site.

(ii) A warning that continued attempts to dispense gasoline after the system indicates that the **motor** vehicle fuel tank is full may result in spillage **and contamination of the air or water** or recirculation of the gasoline into the vapor **[collection] recovery** system.

(iii) A telephone number**, email address or social media account** established by the Department for the public to **use to** report problems experienced with the **gasoline dispensing** system.

[(5)] (6) Maintain records of **the gasoline dispensing** system test **procedure** results, monthly throughput, type and duration of any **[failures]failure** of the system and maintenance and repair records **[on the premises of the affected]onsite at the** gasoline dispensing facility. The records **[shall] must** be **[kept]:**

(i) Maintained for **[at least]** 2 years**, [and shall be made] unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and**

operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(ii) Made available for inspection, upon request, by the Department.

(c) **[If an area is reclassified from attainment or marginal nonattainment to serious, nonattainment under section 181 of the Clean Air Act, gasoline dispensing facilities located in the reclassified area will be subject to subsection (a)(1). For purposes of establishing an effecting date for the reclassified area, the date of the *Federal Register* final notice of the reclassification shall serve as the date of publication of this subsection as final in the *Pennsylvania Bulletin.***

(d) If an onboard canister refueling emissions control program has been fully implemented by the EPA by December 31, 2010, the operation and maintenance of Department-approved Stage II systems will no longer be required in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

(e)] ***Functional testing and certification requirements.*** The **[owners or operators] owner and operator** of **a** gasoline dispensing **[facilities] facility subject to this section** shall comply with the functional testing and certification requirements specified in **the** EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act **[to meet the Clean Air Act requirements]**.

(1) The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance vapor recovery system shall conduct the following test procedures:

(i) A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.

(ii) A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.

(2) The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.

(3) The owner or operator of a gasoline dispensing facility that conducts a test procedure under paragraph (1) or (2) shall do all of the following:

(i) Conduct the test procedures in paragraph (1) simultaneously, consecutively or separately at different times of the 5-year period.

(ii) Conduct the test procedure in paragraph (2) simultaneously with, consecutively with or separately from the test procedures in § 129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.

(iii) Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.

(iv) Record all of the following information, as applicable, for each test procedure performed under paragraph (1) or (2):

(A) The name of the test procedure.

(B) The name of the person performing the test procedure.

(C) The date the test procedure was performed.

(D) The result of the test procedure.

(E) The date, time, type and duration of a test procedure failure.

(F) The name of the person correcting the test procedure failure.

(G) The date the test procedure failure was corrected.

(H) The action taken to correct the test procedure failure.

(d) *Additional requirements.* An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a and § 129.82a.

§ 129.82a. Requirements to decommission a Stage II vapor recovery system.

(a) *Applicability.* Beginning _____ (*Editor's note*: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), this section applies to the owner and operator of a gasoline dispensing facility that uses, has decommissioned or is decommissioning a Stage II vapor recovery system.

(b) *Compliance deadline.*

(1) *Stage II vacuum assist vapor recovery system.* The owner or operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that uses a Stage II vacuum assist vapor recovery system shall decommission the Stage II vacuum assist vapor recovery system on or before December 31, 2022.

(2) *Stage II vapor balance vapor recovery system.* The owner and operator of a gasoline dispensing facility in this Commonwealth that uses a Stage II vapor balance vapor recovery system shall comply with this section when the owner or operator decommissions the Stage II vapor balance vapor recovery system.

(c) *Test procedure documents*. The following are the full names of the vapor recovery test procedure documents specified in this section:

(1) PEI/RP300-09—The Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites," Chapter 14, Decommissioning Stage II Vapor-Recovery Piping, sections 14.1 through 14.6.13, including applicable updates and revisions.

(2) CARB TP-201.3—"Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities," amended July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—"Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)," adopted March 17, 1999, including updates and revisions.

(d) *Process to decommission a Stage II vapor recovery system*. The owner or operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system shall decommission the Stage II vapor recovery system by meeting all of the following:

(1) Successfully completing all of the steps in PEI/RP300-09, Chapter 14. The owner or operator shall cap off the vapor tight return line of the Stage II vapor recovery system at the gasoline storage tank top if accessible at the time of decommissioning. If the vapor tight return line is not accessible at the time of decommissioning, the vapor tight return line must be capped when either of the following circumstances occurs:

(i) The storage tank system or an associated piping component is under concrete, and a replacement or repair of the underground storage tank system or associated piping component involves breaking concrete on top of the tank where the vapor tight return line terminates.

(ii) The CARB TP-201.3 procedure performed under paragraph (2) indicates a problem with the vapor tight return line.

(2) Successfully completing all of the steps in CARB TP-201.3.

(3) Successfully completing all of the steps in CARB TP-201.3C.

(4) Completing Form 2700-FM-BAQ0129, including updates and revisions to the form, after decommissioning is complete, regardless of whether the vapor tight return line is accessible at the time of decommissioning and has been capped under paragraph (1). The

owner or operator shall send the completed form within 10 business days of completion of the decommissioning to the Department Regional Air Program Manager or to the appropriate approved local air pollution control agency responsible for the county in which the decommissioning occurred.

(5) Maintaining onsite at the gasoline dispensing facility a copy of the completed form that was submitted under paragraph (4). The owner or operator shall maintain the form onsite for 2 years unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(e) ***Certification requirements for installers and industry inspectors.*** **The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:**

(1) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(2) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(f) ***Removal of responsibilities under § 129.82.*** **The owner and operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system under subsections (d) and (e) are no longer subject to § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) at the gasoline dispensing facility.**

(g) ***Retention of responsibilities under § 129.61 (relating to small gasoline storage tank control (Stage I control))*****. The owner and operator of a gasoline dispensing facility remains subject to § 129.61 after decommissioning a Stage II vapor recovery system.**

(h) ***Retention of responsibilities under § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control)*****. The owner and operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that decommissions a Stage II vapor recovery system remains subject to § 129.61a.**