



## ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

4425 West Olive Avenue, Suite 134 Glendale, AZ 85302

602-771-4920 FAX 623-939-8586 800-277-6675

<https://dwm.az.gov>

**“At The Speed Of Business”**

**Governor Douglas A. Ducey, January 12, 2015**

September 15, 2015

Dear Gasoline Station Operator:

In April 2014, the Governor signed House Bill 2128 that immediately exempted new stations from the Stage II vapor recovery requirements and required existing facilities decommission Stage II vapor recovery systems between October 1, 2016 and September 30, 2018. The rules regarding the decommissioning process and the requirements for remaining stage I vapor recovery systems will be effective October 3, 2015. A copy of the vapor recovery rules can be found on at <https://dwm.az.gov> under “Statutes & Rules.”

The default date owners and operators are required to decommission their stage II vapor recovery equipment is based upon the facility Weights and Measures BMF (license) number as follows:

**YEAR 1:**

Sites with a BMF of 13676 or less, must decommission between **October 1, 2016 to September 30, 2017**

**YEAR 2:**

Sites with a BMF 13677 or more, must decommission between **October 1, 2017 to September 30, 2018**

Sites that have filed for exemptions from the stage II requirements due to throughput less than 10,000 gallons per month may decommission installed stage II vapor recovery equipment any time from October 1, 2016 to September 30, 2018.

If you do not wish to decommission within the above-mentioned default timeframe, you may submit an Alternate Decommissioning Plan requesting a different decommissioning year on the attached form. The Alternate Decommissioning Plan must be submitted **no later than December 31, 2015**. The Department will approve or reject the plans on a first come, first served basis by March 31, 2016.

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**“Trust, but verify.”**

**President Ronald Reagan December 8, 1987**

The Department will host 3 conference calls to review the requirements for decommissioning at the following dates and times:

<b>September 29, 2015,</b>	<b>1:00 p.m.</b>
<b>October 8, 2015,</b>	<b>10:00 a.m.</b>
<b>October 20, 2015,</b>	<b>3:00 p.m.</b>

**To participate in the conference call, dial 1-720-279-0026 or toll free 1-877-820-7831 and enter the passcode 728817.**

Attached are frequently asked questions regarding the stage II vapor recovery decommissioning process and the requirements for remaining stage I vapor recovery systems.

**Attachments:**

1. Frequently Asked Questions for Decommissioning Stage II Systems and Requirements for Stage I Systems
2. Alternate Decommissioning Plan



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### **Frequently Asked Questions**

#### **Decommissioning Stage II Systems and Requirements for Stage I Systems**

September 15, 2015

**1. What is the most recent action that the Arizona Department of Weights and Measures (the Department) has taken regarding stage II vapor recovery?**

On August 6, 2015, the Governor’s Regulatory Review Council (GRRC) approved the rules proposed by the Department for decommissioning of stage II vapor recovery systems. The rules will be effective October 3, 2015. A copy of the rules can be obtained at <https://dwm.az.gov> under Statutes & Rules.

**2. Why is the Department requiring stage II decommissioning?**

On May 16, 2012 the Environmental Protection Agency issued a final rule ([77 FR 28772](#)) regarding the Widespread Use for Onboard Refueling Vapor Recovery (ORVR), which allows, but does not require, states to remove Stage II programs from the State Implementation Plan. The Arizona Department of Weights and Measures, in coordination with the Arizona Department of Environmental Quality (ADEQ), Maricopa County Air Quality Department (MCAQD), and the Maricopa Association of Governments (MAG), held several workshops between 2012 and 2014 to discuss and get feedback regarding the future of the Stage II Program.

Stage II vapor recovery equipment captures air pollutants when customers fill their vehicles with gasoline at stations. ORVR systems in vehicles also capture these air pollutants. Due to incompatibility issues between these two technologies, emissions have been calculated to increase in the Maricopa non-attainment area in 2018 if stage II is not removed. Due to the increase in emissions in 2018, coupled with the fact that the systems are duplicative controls for air pollutants, stakeholders and the involved agencies concluded that the removal of the stage II systems would be warranted.

In April 2014, the Governor signed House Bill 2128 that immediately exempted new stations from stage II vapor recovery requirements and required existing facilities decommission stage II between October 1, 2016 and September 30, 2018. Arizona agencies then submitted modifications to the Arizona State Implementation Plan for EPA approval to remove Stage II and developed rules for the decommissioning process as well as the requirements for the remaining stage I systems.

**“Trust, but verify.”**  
**President Ronald Reagan December 8, 1987**

### 3. What are the timeframes for decommissioning

The default date owners and operators are required to decommission their stage II vapor recovery equipment is based upon the facility Weights and Measures BMF (license) number as follows:

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Sites that have filed for exemptions from the stage II requirements due to throughput less than 10,000 gallons per month may decommission installed stage II vapor recovery equipment any time from October 1, 2016 to September 30, 2018.

If you do not wish to decommission within the above-mentioned default timeframe, you may submit an Alternate Decommissioning Plan requesting a different decommissioning year. The Alternate Decommissioning Plan form must be submitted **no later than December 31, 2015** and can be found under "Forms" at the Department website at <https://dwm.az.gov>. The Department will approve or reject the plans on a first come, first served basis by March 31, 2016.

### 4. Can I stop operating and maintaining my stage II system without decommissioning it?

No. The owner and operator of a gasoline station with an existing stage II system must continue to maintain the stage II system in operating condition and have the system tested annually until such time as it is decommissioned in accordance with the rules (ARS 41-2135(I) and R20-2-913(K)). If nozzles, hoses, vacuum-assist pumps, or other components need to be replaced prior to decommissioning your facility, you must use stage II-compatible parts and accessories that are certified for use with your type of system as you have in the past.

### 5. What are the requirements for decommissioning?

- A Notice of Intent form shall be submitted to the Department 10 days prior to decommissioning. Changes to the form information shall be submitted 24 hours prior to construction. (R20-2-913(F),(G))
- The entire stage II system must be decommissioned in accordance with the Petroleum Equipment Institute's (PEI) Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle-Fueling Sites, PEI/RP 300-09, 2009 edition available at <http://www.pei.org/rp300>, except for three deviations listed in R20-2-913(H).
- The decommissioning contractor shall complete a Decommissioning Checklist using a form or format provided by the Department. The Checklist shall be submitted to the owner or operated at the time of decommissioning and to the Department within 10 days after decommissioning. (R20-2-913(I))
- The following tests shall be scheduled with the Department and conducted with 60 days after the decommissioning is complete:
  - Pressure decay following CARB RP-201.3 test procedures
  - Each Pressure Vacuum Vent Valve using CARB TP-201.1E test procedures
  - A Tie-Tank test using CARB TP-201.3C test procedures (R20-2-913(J))

Test procedures are available at <http://www.arb.ca.gov/testmeth/vol2/currentprocedures.htm>

**6. What if my annual stage II test month occurs before I am able to decommission the stage II vapor equipment?**

All stage II vapor recovery equipment is required to be maintained and tested until it is decommissioned in accordance with the rules. Therefore, if the annual stage II test is due prior to being decommissioned, the stage II vapor recovery system would need to be tested and passed. (ARS 41-135(I))

If the stage II vapor recovery system is decommissioned prior to the last day of the annual test month, the site will be exempt from stage II vapor recovery testing. Instead, the site will be required to conduct the appropriate stage I vapor recovery testing within 60 days of the completion of the decommissioning. (R20-2-913(J))

**7. Who can decommission a stage II vapor recovery system?**

The Department recommends contacting a registered service agent (RSA) or a maintenance or construction contractor to obtain decommissioning services. A vapor RSA licensed with the Department is required to schedule and conduct the vapor test within 60 days following completion of the decommissioning process as required under R20-2-913(J). A list of vapor RSAs can be found at <https://dwm.az.gov> under Business, RSA/RSR.

If you are replacing dispensers at the same time you are decommissioning the stage II vapor recovery equipment, the dispensers should be calibrated by an RSA and a placed in service report must be submitted within 7 days of installation. The State Fire Marshall's office or the Arizona Department of Environmental Quality may have additional requirements for installation of new dispensers or ancillary equipment.

**8. Are there any fees charged by the Department for decommissioning?**

No. The Department does not charge any fees for decommissioning stage II vapor recovery equipment.

**9. What are the requirements for new gasoline dispensing facility installation?**

Gasoline dispensing facilities constructed after April 17, 2014, are exempt from the requirements to install stage II vapor recovery. These gasoline dispensing facilities must install a stage I vapor recovery system approved by the California Air Resources Board (CARB).

**10. What are the requirements for maintaining my stage I vapor recovery system at a new facility or following decommissioning of the stage II equipment?**

State requirements for Stage I vapor recovery remain in place and largely unchanged. Inspection of stage I vapor recovery equipment must be performed and documented once every 7 days instead of daily. Facilities that have a throughput less than 10,000 gallons per month and have filed for an exemption, will be required to report their monthly throughput on an annual basis by March 30 of each year instead of monthly. Stage I vapor recovery systems are still required to be tested on an annual basis. For more information regarding stage I vapor recovery requirements, refer to AAC Title 20, Article 10. Local air quality agencies may also have requirements applicable to stage I vapor recovery.

**11. If I will be replacing my dispensers or dispenser pans at the time I decommission the stage II vapor recovery equipment, will I require an Authority to Construct permit from the Department.**

No. An Authority to Construct permit will not be required from the Department of Weights and Measures. The Notice of Intent form as described in Question #5 will be required. However, other agencies, such as the appropriate Fire Marshall's office may require a permit.

**12. After I decommission my stage II equipment, what type of activities will require submittal of an Authority to Construct permit and what is the permit fee?**

An Authority to Construct permit will be required if the owner or operator is doing the following: 1) Adding or replacing a gasoline storage tank that is equipped with a Department approved stage I vapor recovery system; 2) Modifying, adding, or replacing underground vent piping; or 3) Conducting construction to disconnect vapor piping from the tank top that was not previously disconnected during stage II decommissioning. Effective October 3, 2015, the fee for an Authority to Construct Permit is \$250.