
TITLE 326 AIR POLLUTION CONTROL DIVISION**SECOND NOTICE OF COMMENT PERIOD**

LSA Document #12-636

STAGE II VAPOR RECOVERY SYSTEM REQUIREMENTS**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to rules at [326 IAC 2-11-2](#) and [326 IAC 8-4-6](#) concerning Stage II vapor recovery system requirements. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: December 12, 2012, Indiana Register (DIN: [20121212-IR-326120636FNA](#)).

CITATIONS AFFECTED: [326 IAC 2-11-2](#); [326 IAC 8-4-1](#); [326 IAC 8-4-6](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-14](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

Under Section 182(b)(3) of the Clean Air Act (CAA), a Stage II vapor recovery system (Stage II) is required to be used at gasoline dispensing facilities that sell more than 10,000 gallons of gasoline per month or 50,000 gallons of gasoline per month in the case of independent small business marketers of gasoline located in ozone nonattainment areas classified as serious, severe, or extreme. Stage II is designed to control gasoline vapors, which are emitted when partially empty gas tanks are filled with liquid gasoline that can react with sunlight, nitrogen oxides, and other volatile organic compounds to form ozone.

The United States Environmental Protection Agency (U.S. EPA) published onboard refueling vapor recovery (ORVR) standards in the Federal Register (FR) on April 6, 1994 (59 FR 16262). ORVR consists of an activated carbon canister installed on a vehicle into which vapors are routed from the vehicle fuel tank during refueling. The vapors are captured by the activated carbon canister and prevented from escaping the fuel tank fill pipe by use of a seal. The ORVR standards were implemented on a progressive schedule, and, by 2006, all new gasoline-powered vehicles with a gross vehicle weight rating of less than 14,000 pounds were equipped with ORVR technology. U.S. EPA estimates that by the end of 2012, more than 71 percent of vehicles on the road were equipped with ORVR.

Section 202(a)(6) of the CAA provides U.S. EPA discretionary authority to revise or waive the Stage II requirements in Section 182(b)(3) for areas classified under Section 181 as serious, severe, or extreme for ozone, as appropriate, if it is determined that ORVR is in widespread use. On May 16, 2012, U.S. EPA determined that ORVR technology is in widespread use throughout the motor vehicle fleet for purposes of controlling motor vehicle refueling emissions (77 FR 28772). Since 2006, ORVR has been a required control on nearly all new highway vehicles. Stage II and ORVR emission control systems are redundant, and U.S. EPA has determined that emission reductions from ORVR are equitable and will soon surpass the emission reductions achieved by Stage II requirements. U.S. EPA has thus waived the requirement for states to implement Stage II at gasoline dispensing facilities in nonattainment areas classified as serious and above for the ozone national ambient air quality standards (NAAQS), providing certain conditions are met.

Using the guidance provided by U.S. EPA, "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures", EPA-457/B-12-001, August 7, 2012, IDEM conducted an emissions inventory analysis to develop a revision to the State Implementation Plan to phase out or remove Stage II requirements in the former serious ozone nonattainment areas (Clark County and Floyd County), and severe ozone nonattainment areas (Lake County and Porter County). To meet existing federal requirements, Stage II cannot be removed if it would interfere with attainment of the NAAQS, reasonable further progress toward attainment, or any other applicable requirement of the CAA. IDEM's analysis determined that these requirements could be met by removing Indiana's Stage II requirements in 2016. IDEM is proposing removal of the Stage II vapor recovery system requirements for Clark, Floyd, Lake, and Porter counties on April 1, 2016, to coincide with the start of the ozone season.

This rulemaking will amend rules concerning permitting by rule for specific source categories, including gasoline dispensing operations at [326 IAC 2-11-2](#), reflect the addition of new applicability language in [326 IAC 8-4-1](#), and include rules concerning petroleum sources, including gasoline dispensing facilities at [326 IAC 8-4-6](#). Specifically, applicability of Stage II vapor recovery requirements and references will be revised in a manner consistent with U.S. EPA guidance and the results of IDEM's analysis specific to Indiana. IDEM is requesting

comment on the removal of the Stage II vapor recovery requirements effective April 1, 2016.

[IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law](#)

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. U.S. EPA waived the Stage II vapor recovery system requirements effective May 16, 2012, allowing states the autonomy to remove the requirements from state rules.

Potential Fiscal Impact

Removal of Stage II vapor recovery system requirements will reduce costs for gas station owners and operators installing new equipment after April 1, 2016. This rule additionally could require gas station owners to remove the Stage II vapor recovery systems sooner than would otherwise have been planned, resulting in an unplanned cost to gas station owners and operators.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Christine Pedersen, Rules Development Branch, Office of Legal Counsel at (317) 233-5684 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from December 12, 2012, through January 11, 2013, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Indiana Petroleum Marketers & Convenience Store Association (IPCA)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: IPCA is responding on behalf of its members. IPCA represents over 135 companies who own, operate, and supply fuel to the majority of retail fueling establishments throughout Indiana. IPCA and its members support the rulemaking as proposed. (IPCA)

Response: IDEM appreciates IPCA's participation and comments in this rulemaking.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #12-636 Stage II Vapor Recovery
Christine Pedersen
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Mail Code 61-50
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5967. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 234-6530.

(3) By electronic mail to cpedersen@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped no later than December 27, 2013. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Branch, Office of Legal Counsel, (317) 233-5684 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 2-11-2](#) IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-11-2 Gasoline dispensing operations

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 2. (a) This section applies to retail or commercial gasoline dispensing operations that:

- (1) meet the conditions specified in subsection (b); and
- (2) demonstrate compliance as specified in subsection (c).

(b) To limit potential to emit as provided in section 1(c) of this rule, ~~the following conditions are applicable to sources depending on their location:~~ **gasoline dispensing operations shall comply with the following conditions during an average month based on the last twelve (12) months:**

(1) ~~For sources located in Clark or Floyd County, the source:~~

- (A) ~~fills its storage tanks by vapor-balanced fill;~~
- (B) ~~has a Stage II vapor recovery system; and~~
- (C) ~~dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline during an average month based on the last twelve (12) months.~~

(2) ~~For sources located in Lake or Porter County, the source:~~

- (A) ~~fills its storage tanks by vapor-balanced fill;~~
- (B) ~~has a Stage II vapor recovery system; and~~
- (C) ~~dispenses less than one million three hundred forty-four thousand (1,344,000) gallons of gasoline during an average month based on the last twelve (12) months.~~

(3) ~~For all other sources, the source uses:~~

- (A) ~~(1) For the splash method for filling storage tanks, and dispenses the operation shall dispense less than six hundred eighty-eight thousand (688,000) gallons of gasoline.~~
- (B) ~~(2) For the submerged fill method for filling storage tanks, and dispenses the operation shall dispense less than eight hundred thirty-three thousand (833,000) gallons of gasoline.~~
- (C) ~~(3) For the vapor-balanced fill method for filling storage tanks, and dispenses the operation shall dispense less than one million two hundred eighty-two thousand (1,282,000) gallons of gasoline. or~~
- (D) ~~(4) For an operation that uses the fill vapor-balanced fill method for filling storage tanks, and has a Stage II vapor recovery system, and dispenses the operation shall dispense less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline.~~

~~during an average month based on the last twelve (12) months.~~

(c) ~~Sources~~ **Gasoline dispensing operations** electing to comply with this rule must be able to demonstrate compliance ~~no~~ **not** later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, as follows:

- (1) The owner or operator of a gasoline dispensing source ~~operation~~ shall demonstrate compliance with subsection (b)(3)(A), (b)(3)(B), or (b)(3)(C), **(b)(1), (b)(2), or (b)(3)** as applicable.
- (2) The owner or operator of a gasoline dispensing source ~~subject to operation described in subsection (b)(3)(D)~~ **(b)(4)** shall demonstrate compliance with subsection (b)(3)(D) **(b)(4)** and [326 IAC 8-4-6\(a\)](#) through [326 IAC 8-4-6\(d\)](#), [326 IAC 8-4-6\(f\)](#), and [326 IAC 8-4-6\(j\)](#) through [326 IAC 8-4-6\(m\)](#). **326 IAC 8-4-6.**
- (3) ~~The owner or operator of a gasoline dispensing source subject to subsection (b)(1) or (b)(2) shall demonstrate compliance with subsection (b)(1) or (b)(2), as applicable, and [326 IAC 8-4-6.](#)~~

(Air Pollution Control Division; [326 IAC 2-11-2](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2316; filed Aug 2, 2004, 3:25 p.m.: 27 IR 3956)

SECTION 2. [326 IAC 8-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 8-4-1 Applicability](#)

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) All sections of this rule apply to sources of the types described in this rule located in the following counties:

- (1) Clark.
- (2) Elkhart.
- (3) Floyd.

- (4) Hendricks.
- (5) Lake.
- (6) Marion.
- (7) Porter.
- (8) St. Joseph.

(b) Sections 4 through 7 and 9 of this rule apply to sources of the types described in this rule located in the following counties:

- (1) Boone.
- (2) Dearborn.
- (3) Hamilton.
- (4) Hancock.
- (5) Harrison.
- (6) Johnson.
- (7) Morgan.
- (8) Shelby.

(c) Sections 2 through 5 and 7 through 9 of this rule apply to all new sources of the types described in this rule as of January 1, 1980.

(d) Section 6(a) and 6(b) of this rule apply to any gasoline storage tank at a gasoline dispensing facility with a monthly gasoline throughput of ten thousand (10,000) gallons per month or greater.

(e) **Until April 1, 2016, either section 6(c) or 6(d) of this rule applies apply** to gasoline dispensing facilities as described in section 6(c)(1) of this rule and located in **the following counties:**

- (1) Clark.
- (2) Floyd.
- (3) Lake. of
- (4) Porter.

County:

(f) Section 6(d) of this rule applies to gasoline dispensing facilities described in section 6(c)(1) of this rule that decommission Stage II recovery systems prior to April 1, 2016.

(Air Pollution Control Division; [326 IAC 8-4-1](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2538; filed Aug 11, 1989, 1:40 p.m.: 13 IR 7; filed Apr 23, 1999, 2:12 p.m.: 22 IR 2855; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Apr 15, 2010, 4:05 p.m.: [20100512-IR-326070353FRA](#))

SECTION 3. [326 IAC 8-4-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 8-4-6](#) Gasoline dispensing facilities

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12-3-1](#)

Sec. 6. (a) The following definitions apply throughout this section:

- (1) "Average monthly volume" means the amount of motor fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for a two (2) year period from November 1990 through October 1992, or, if not available, the monthly average for the most recent twelve (12) calendar months. Monthly averages shall include only those months when the facility was operating.
- (2) "CARB" means the California Air Resources Board.
- (3) "Certified" means any vapor collection and control system that has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least ninety-five percent (95%) by weight.
- (4) "Constructed" means fabricated, erected, or installed and refers to any facility, emission source, or air pollution control equipment.
- (5) "Dynamic ~~backpressure~~ **pressure drop** test" means a test procedure used to determine the pressure drop (flow resistance) through vapor collection and control systems, including:
 - (A) nozzles;
 - (B) vapor hoses;

- (C) swivels;
- (D) dispenser piping; and
- (E) underground piping;

at prescribed flow rates. Test procedures for this test can be found in EPA 450/3-91-022b, "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"*.

(6) "Employee" means any person who performs work for an employer for compensation.

(7) "Facility" means any:

- (A) building;
- (B) structure;
- (C) installation;
- (D) operation; or
- (E) combination located on contiguous properties and under common ownership;

that provides for the dispensing of motor vehicle fuel.

(8) "Gasoline dispensing facility" means any facility where gasoline is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of nine hundred forty-six (946) liters (two hundred fifty (250) gallons) or more. Diesel fuel and kerosene are not considered to be motor vehicle fuels.

(9) "Independent small business marketer of gasoline" means a person engaged in the marketing of gasoline who:

- (A) is not a refiner;
- (B) does not control, is not controlled by, or is not under common control with a refiner;
- (C) is not otherwise directly or indirectly affiliated with a refiner or a person who controls, is controlled by, or is under a common control with a refiner (unless the sole affiliation referred to in this subdivision is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person); and
- (D) receives less than fifty percent (50%) annual income from the marketing of gasoline.

(10) "Liquid blockage test" means a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate. Test procedures can be found in EPA 450/3-91-022b, "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"*.

(11) "Modification" means any change, removal, or addition, other than a certified replacement of any component contained within the vapor collection system and control system.

(12) "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine, including, but not limited to, the following:

- (A) Automobiles.
- (B) Trucks.
- (C) Motorcycles.

(13) "Motor vehicle fuel" means any petroleum distillate having a Reid vapor pressure of more than four (4) pounds per square inch and that is used to power motor vehicles. Diesel fuel and kerosene are not considered to be motor vehicle fuels.

(14) "Owner or operator" means any person who:

- (A) owns;
- (B) leases;
- (C) operates;
- (D) manages;
- (E) supervises; or
- (F) controls;

directly or indirectly, a gasoline dispensing facility.

(15) "Pressure decay or leak test" means a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities. Test procedures can be found in EPA 450/3-91-022b, "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"*.

(16) "Vapor collection and control systems" means any system certified by CARB that limits the discharge to the atmosphere of motor vehicle fuel vapor displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.

(b) Stage I vapor recovery system requirements at gasoline dispensing facilities are as follows:

(1) No owner or operator of a gasoline dispensing facility shall allow the transfer of gasoline between any transport and any storage tank unless the tank is equipped with the following:

- (A) A submerged fill pipe that extends to not more than:

(i) twelve (12) inches from the bottom of the storage tank if the fill pipe was installed on or before November 9, 2006; or

(ii) six (6) inches from the bottom of the storage tank if the fill pipe was installed after November 9, 2006.

(B) Either a pressure relief valve set to release at not less than seven-tenths (0.7) pounds per square inch or an orifice of five-tenths (0.5) inch in diameter.

(C) A vapor balance system connected between the tank and the transport operating according to manufacturer's specifications.

(2) If the owner or employees of the owner of a gasoline dispensing facility are not present during loading, it shall be the responsibility of the owner or the operator of the transport to make certain the vapor balance system is:

(A) connected between the transport and the storage tank; and

(B) operating according to manufacturer's specifications.

(c) **Until April 1, 2016**, stage II vapor recovery system requirements at gasoline dispensing facilities are as follows:

(1) The provisions of subdivision (2) shall apply to any gasoline dispensing facility located in Clark, Floyd, Lake, or Porter County except if the gasoline dispensing facility:

(A) dispenses an average monthly volume of less than ten thousand (10,000) gallons of gasoline per month;

or

(B) is an independent small business marketer of gasoline who dispenses an average monthly volume of less than fifty thousand (50,000) gallons of gasoline per month.

(2) No owner or operator of a gasoline dispensing facility shall cause or allow the dispensing of motor vehicle fuel at any time unless all motor vehicle fuel dispensing operations are equipped with and utilize a certified vapor collection and control system that is properly installed and operated as follows:

(A) No vapor collection and control system shall be installed, used, or maintained unless the system:

(i) has been certified by CARB; and

(ii) meets the testing requirements specified in subdivision (7)(F).

(B) Any vapor collection and control system utilized shall be maintained in accordance to its certified configuration and with the manufacturer's specification and maintenance schedule.

(C) No elements or components of a vapor collection and control system shall be:

(i) modified;

(ii) removed;

(iii) replaced; or

(iv) otherwise rendered inoperative;

in a manner that prevents the system from performing in accordance with its certification and design specifications.

(D) A vapor collection and control system shall not be operated with defective, malfunctioning, missing, or noncertified components. The following requirements apply to a vapor collection and control system:

(i) All parts of the system that can be visually inspected must be checked daily by the operator of the facility for the following malfunctions:

(AA) Absence or disconnection of any component required to be used to certify the system.

(BB) A vapor hose that is crimped or flattened such that the vapor passage is blocked or severely restricted.

(CC) A nozzle boot that is torn in either of the following manners:

(aa) A triangular shaped or similar tear one-half (1/2) inch or more to a side or a hole one-half (1/2) inch or more in diameter or length.

(bb) Slit one (1) inch or more in length.

(DD) A faceplate or flexible cone that is damaged in the following manner:

(aa) For balance nozzles and nozzles for aspirator and educator assist type systems, damage shall be such that the capability to achieve a seal with a fill pipe interface is affected for one-fourth (1/4) of the circumference of the faceplate (accumulated).

(bb) For nozzles for vacuum assist type systems that use a flexible cone, having more than one-fourth (1/4) of the flexible cone missing.

(EE) A nozzle shutoff mechanism that malfunctions in any manner.

(FF) A vacuum producing device that is inoperative.

(ii) Any defect in the system that is discovered in item (i) will require the immediate shutdown of the affected pumps until proper repairs are made.

(iii) A signed daily log of the daily inspection in item (i) shall be maintained at the facility.

(iv) One (1) operator or employee of the gasoline dispensing facility shall be trained and instructed annually in the proper operation and maintenance of a vapor collection and control system.

(v) Instructions shall:

(AA) be posted in a conspicuous and visible place within the motor vehicle fuel dispensing area for the system in use at that station;

(BB) clearly describe how to fuel vehicles correctly with the vapor recovery nozzles utilized at that station; and

(CC) include a warning that repeated attempts to continue dispensing motor vehicle fuel after the system has indicated that the vehicle fuel tank is full may result in a spillage of fuel.

(3) Facilities subject to the requirements of subdivision (2) shall demonstrate compliance according to the following schedule:

(A) Six (6) months after promulgation in the case of gasoline dispensing facilities for which construction commenced after the date of enactment of the Clean Air Act Amendments of 1990 (November 15, 1990).

(B) One (1) year after promulgation in the case of gasoline dispensing facilities that dispense at least one hundred thousand (100,000) gallons of gasoline per month, based on average monthly sales for the two (2) year period prior to November 15, 1992.

(C) Two (2) years after promulgation in the case of all other gasoline dispensing facilities.

(D) Any gasoline dispensing facility described in both clauses (A) and (B) shall meet the requirements of clause (A).

(E) New facilities constructed after the promulgation of this rule shall comply with the requirements of subdivision (2) upon startup of the facility.

(F) Existing facilities previously exempted from, but that become subject to, the requirements of subdivision (2) shall comply with the requirements of subdivision (2) within one (1) year from the date the facility became subject.

(4) Any gasoline dispensing facility that becomes subject to the provisions of subdivision (2) at any time shall remain subject to the provisions of subdivision (2) at all times.

(5) Any gasoline dispensing facility subject to subdivision (2) shall retain copies of all records and reports adequate to clearly demonstrate the following:

(A) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.

(B) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.

(C) The time period and duration of all malfunctions of the vapor collection and control system.

(D) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.

(E) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system.

(6) All records and reports required in subdivision (5) shall be made available to the department upon request. All records shall be retained for a period of two (2) years.

(7) Within forty-five (45) days after the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the department a registration form, which shall be provided by the department of environmental management, office of air quality, that provides, at a minimum, the following:

(A) The name, address, and telephone number of the facility.

(B) The signature of the owner or operator.

(C) The CARB executive order number for the vapor collection and control system to be utilized.

(D) The number of nozzles, excluding diesel and kerosene, used for motor vehicle refueling.

(E) The monthly average volume of motor vehicle fuel dispensed.

(F) The date of completion of installation of the vapor collection and control system. Completion of installation includes the successful passing of a vapor leakage and blockage test. A vapor leakage and blockage test must, at a minimum, include the following:

(i) A pressure decay or leak test.

(ii) A dynamic pressure drop test.

(iii) A liquid blockage test.

The results of these tests must be submitted with the registration form specified in this subdivision.

(8) All vapor collection and control systems shall be retested for vapor leakage and blockage, and successfully pass the test, at least every five (5) years or upon major system replacement or modification. A major system modification is considered to be replacing, repairing, or upgrading seventy-five percent (75%) or more of a vapor collection and control system of a facility.

(d) Until April 1, 2016, a stage II vapor recovery system must be maintained in accordance with subsection (c), unless the owner or operator decommissions the stage II vapor recovery system as follows:

- (1) The owner or operator shall notify the department of the intent to decommission the stage II vapor recovery system.
- (2) The owner or operator shall decommission the stage II vapor recovery system in accordance with section 14 of the 2009 "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Refueling Sites"* of the Petroleum Equipment Institute.
- (3) The owner or operator shall complete decommissioning within one hundred (100) calendar days from notification to the department.

(e) Stage II vapor recovery systems are not required after April 1, 2016.

(f) Upon request by the department, the owner or operator of a gasoline dispensing facility that claims to be exempt from the requirements of this section shall submit records to the agency within thirty (30) calendar days from the date of the request that demonstrate that the gasoline dispensing facility is in fact exempt.

~~This document is~~ ***These documents are** incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 8-4-6](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2540; filed Aug 11, 1989, 1:40 p.m.: 13 IR 8; filed Nov 30, 1990, 4:20 p.m.: 14 IR 605; filed Oct 28, 1993, 5:00 p.m.: 17 IR 332; filed Sep 18, 1995, 3:00 p.m.: 19 IR 203; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3349; errata filed Feb 18, 1997, 4:00 p.m.: 20 IR 1738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 47; filed Apr 15, 2010, 4:05 p.m.: [20100512-IR-326070353FRA](#))

[Notice of Public Hearing](#)

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