

CLARK COUNTY
AIR QUALITY REGULATIONS

SECTION 52 - GASOLINE DISPENSING FACILITIES

52.1 Applicability 52.1
 (a) Non-major Sources 52.1
 (b) Major Sources [Reserved] 52.1
 (c) Exception 52.1
52.2 Definitions 52.1
52.3 Registration and Permitting 52.3
 (a) Prohibition..... 52.3
 (b) Pre-Construction Application 52.3
 (c) Permitting..... 52.4
 (d) Timeliness..... 52.5
52.4 Specifications of Vapor Control Systems
 (a) General 52.5
 (b) Gasoline Storage Tanks 52.5
 (c) Stage I Requirements 52.6
 (d) Stage II Requirements 52.6
 (e) Stage II Retrofit Impacts on Stage I Systems 52.7
52.5 Performance Testing 52.7
 (a) General..... 52.7
 (b) Initial Performance Testing 52.7
 (c) Annual Performance Testing of a Balance Vapor Recovery System 52.8
 (d) Annual Performance Testing of an Assist Vapor Recovery System 52.8
 (e) Test Methodologies and Standards 52.9
 (f) Failed Test..... 52.9
52.6 Inspection Requirements..... 52.9
 (a) Daily Inspections..... 52.9
52.7 Recordkeeping, Reporting, and Notifications 52.10
 (a) Recordkeeping..... 52.10
 (b) Log or Record contents..... 52.10
52.8 Section 52 Offset Program 52.11
 (a) Section 52 Offset Requirements 52.11
 (b) Section 52 Emission Reduction Credits (ERC) from Retrofitting..... 52.11
 (c) Section 52 Emission Reduction Credit Application Process..... 52.12
 (d) Assignment of Section 52 ERCs..... 52.12
 (e) Section 52 ERCs from Affected Facility Closure..... 52.13

52.9 Certification Program.....	52.13
(a) Requirements for Certification as a Tester of Stage II Vapor Recovery.....	52.13
(b) Examination for Certification as a Stage II Vapor Recovery Tester	52.14
(c) Contents and Duration of Certificate	52.14
(d) Renewal of Certificate.....	52.14
(e) Standards of Practice	52.14
(f) Services for which Certification is Required.....	52.15
(g) Certification Reciprocity	52.15
52.10 Miscellaneous.....	52.16
52.11 Fees	52.16
Exhibit 1: Certification of Performance Test Results	52.19
Exhibit 2: Annual Through-Put Report and Certification	52.20

52.11 Applicability

(a) Non-major Sources

(1) Except as provided in paragraph (c) of this subsection, the provisions of this section are applicable to the following affected facilities in the area of applicability within Clark County: each GASOLINE DISPENSING FACILITY, and each GASOLINE Storage Tank.

(i) any GASOLINE DISPENSING FACILITY that has one (1) or more calendar years in which the through-put is 96,000 gallons or more, shall be subject to the provisions of this section even if subsequent year's through-puts are less than 96,000 gallons.

(b) Major Sources [Reserved]

(c) Exceptions:

(1) Each GASOLINE DISPENSING FACILITY, Airplane Refueling Area, and GASOLINE Storage Tank located outside the AREA OF APPLICABILITY (see Table 52-1) is exempt from the provisions of this section.

(2) Any affected facility that has an annual through-put of 96,000 gallons per year or less; and commenced construction prior to January 1, 1991, is exempt from the provisions of this section.

(3) Any GASOLINE storage tank whose capacity is less than 500 gallons, is exempt from the provisions of this section.

Table 52-1: - AREA OF APPLICABILITY

Area	Hydrographic Basin Number
Las Vegas Valley	212
Boulder City Limits	Portions of 167, 213, and 215
Eldorado Valley	167
Ivanpah Valley	164A, 164B and 165

52.2 Definitions:

All terms not defined herein shall have the meaning given them in Section 0.

Actual Initial Start-up Date means the date on which any affected facility receives a "Certificate of Occupancy".

Affected facility means any device to which a standard is applicable.

Airplane Refueling Area means a facility capable of receiving, storing, and dispensing one or more types of aviation GASOLINE for use by airplanes.

Bound log book is a bound, hard cover book, in which the individual pages may not be replaced, inserted or removed.

CARB	means the California Air Resources Board
Certified Stage II Vapor Recovery Tester	A Natural Person who is certified by the District to test the VAPOR tightness and performance standards of underground storage tanks and associated Stage I and Stage II VAPOR recovery systems.
Combined Tank Capacity	means all GASOLINE storage tanks at an affected facility.
Gasoline	means any petroleum distillate having a Reid VAPOR pressure of 4 pounds per square inch or greater.
Gasoline Dispensing Facility	means a facility, except bulk distribution terminal, capable of receiving, storing, and dispensing one or more grades of GASOLINE.
gasoline storage tank	means (1) underground tank used to store GASOLINE products and has a storage capacity equal to or greater than 500 gallons; (2) any above ground storage tank used to store GASOLINE products, and has an annual through-put of 60,000 gallons per year or more. GASOLINE storage tanks subject to 40 CFR 60, Subparts K, Ka, Kb, and XX, and 40 CFR 63, Subpart R, are not affected GASOLINE storage tanks under this Section.
GDF	means GASOLINE DISPENSING FACILITY.
Leak Free	means a liquid leak rate of less than four drops per minute.
Natural Person	An individual person excluding the following: United States of America, the State of Nevada, group of individuals, partnership, firm, company, corporation, association, trust estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.
Operator	A person having responsibility for, the day-to-day operation of a GASOLINE dispensing site.
Person	means United States of America, the State of Nevada, any individual, group of individuals, partnership, firm, company, corporation, association, trust estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.
Stage I	means GASOLINE VAPOR recovery during transfer of GASOLINE from GASOLINE delivery vehicles to stationary tanks used for re fueling MOTOR VEHICLES.

Stage II	means GASOLINE VAPOR recovery during motor vehicle re-fueling operations from stationary tanks
Top Off	means to attempt to dispense GASOLINE into a FUEL tank after the VAPOR recovery dispensing nozzle has shut off automatically. Topping Off shall not apply to: a premature shutoff due to an incomplete seal between the nozzle and fill pipe
VAPOR Control System	means a device or combination of devices into which VAPORS are passed before being vented into the atmosphere.
VAPOR Tight	means a reading of less than 10,000 ppm, above background, as methane, when measured at a distance of one centimeter from the leak source using a portable hydrocarbon detection instrument. Background is defined as the ambient concentration of organic compounds as - measured at - three meters - from any emission unit.
spill bucket	means a container of approximately 5 gallons capacity used to collect petroleum product spillage from normal GASOLINE storage tank loading operations.
Year	means calendar year unless explicitly stated otherwise.

52.3 Registration and Permitting

(a) Prohibition

- (1) No PERSON shall construct, build, or modify any affected facility unless an application for a GASOLINE DISPENSING AUTHORITY TO CONSTRUCT has been submitted to the CONTROL OFFICER.
- (2) A GASOLINE DISPENSING AUTHORITY TO CONSTRUCT shall contain a non-extendible 30-day operation provision to allow for pre-performance test operation of the system.
- (3) No PERSON shall commence commercial operation of an affected facility unless the CONTROL OFFICER has issued a GASOLINE DISPENSING OPERATING PERMIT or as provided in Subsection 52.3(a)(2) above.
- (4) Equipment Installation and Modification: A PERSON shall not install or modify Stage I or Stage II GASOLINE VAPOR recovery equipment, exclusive of repair or replacement of like parts, unless a GASOLINE DISPENSING AUTHORITY TO CONSTRUCT VAPOR recovery controls has been obtained from the CONTROL OFFICER.

(b) Pre-Construction Application

- (1) The OWNER OR OPERATOR of a new or modified affected facility shall submit the following pre-construction information:
 - (i) Landowner's name, address and phone number;

- (ii) AFFECTED FACILITY owner's name, address and phone number;
 - (iii) AFFECTED FACILITY operator's name, address and phone number, if different from (b) above;
 - (iv) A street site map identifying all buildings or structures on the facility including property boundaries;
 - (v) A block diagram of each process at the AFFECTED FACILITY listing all EMISSIONS UNITS associated with the process;
 - (vi) Brief general description of the new AFFECTED FACILITY or MODIFICATION;
 - (vii) Number of underground storage tanks and the capacity of each;
 - (viii) Number and location of all dispensing nozzles;
 - (ix) Stack data: location, height above grade, diameter (I.D. or effective), exhaust gases, flow rate (ACFM), and temperature, if applicable;
 - (x) Design through-put (gallons per month, maximum);
 - (xi) Expected through-put (gallons per month, maximum);
 - (xii) Schedule of operation (hrs/day)(days/wk)(wks/yr);
 - (xiii) Description of Stage I and Stage II equipment;
 - (xiv) Anticipated construction schedule including the estimated initial start-up date;
 - (xv) A list of existing affected facilities, in Clark County, owned or operated by the applicant
 - (xvi) Payment of all applicable fees pursuant to Subsection 52.11(a) of the Air Quality Regulations.
- (2) The potential to EMIT (PTE, tons per year) shall be estimated based on expected annual throughput (Q) in gallons and the following correlations:
- (i) PTEvoc = 0.000001650 Q = 1.65×10^{-6} Q
 - (ii) PTEbenzene = 0.000000011 Q = 1.10×10^{-8} Q
 - (iii) PTEtoluene = 0.000000006 Q = 6.00×10^{-9} Q
 - (iv) PTEethylbenzene = 0.000000001 Q = 1.00×10^{-9} Q
 - (v) PTExylene = 0.000000002 Q = 2.00×10^{-9} Q
- (3) The OWNER OR OPERATOR of each new or modified affected facility shall apply for an Authority to Construct certificate, and pay an Application fee in accordance with Subsection 52.11(a) prior to commencing construction.
- (c) Permitting
- (1) "GASOLINE Dispensing Authority to Construct" and "GASOLINE DISPENSING OPERATING PERMIT" are issued pursuant to Subsection 52.3(a)
 - (2) Failure to obtain a "GASOLINE DISPENSING AUTHORITY TO CONSTRUCT" prior to commencing operation is a violation of this section.
 - (3) Except as provided in Subsection 52.3(a)(2), failure to obtain a "GASOLINE DISPENSING OPERATING PERMIT" prior to commencing commercial operations is a violation of this section.

- (4) Failure to comply with the conditions of the "GASOLINE DISPENSING AUTHORITY TO CONSTRUCT" or "GASOLINE DISPENSING OPERATING PERMIT", is a violation of this section.
- (d) Timeliness
 - (1) Within 30 days from the receipt of an application for a new or modified GDF, the CONTROL OFFICER shall issue a determination of completeness
 - (i) if the application is declared incomplete, then, upon receipt of an amended application, the 30-day period for determination of completeness shall recommence
 - (ii) if the application is declared complete, then, within 30 days from the date of determination of completeness, the CONTROL OFFICER shall issue an Authority to Construct

52.4 Specifications of VAPOR Control Systems

- (a) General
 - (1) An affected facility shall not dispense GASOLINE unless:
 - (i) the Stage I and Stage II VAPOR Recovery equipment is CARB certified and has a rated VAPOR collection efficiency of 95% or more; and
 - (ii) the Stage I and Stage II VAPOR Recovery equipment shall be maintained and operated in a VAPOR tight and leak free manner, pursuant to the manufacturer's specifications.
 - (2) If a fire protection agency requires a VAPOR shear valve on the VAPOR return line at the base of the dispenser, then the shear valve shall be CARB approved and Underwriters Laboratories (UL) listed.
 - (i) If a shear valve is installed, then the valve shall be attached to a fixed structure.
 - (3) The CONTROL OFFICER shall tag, as "Out of Order", any Stage I or Stage II VAPOR Recovery system, or any component thereof, that is defective. No PERSON shall use, or permit the use of, any component or system until such defect has been repaired, replaced, or adjusted; and the CONTROL OFFICER has been notified of the completed repairs. The "Out Of Order" tag number shall be recorded in the "Daily Log" by the PERSON making the repairs, who shall sign and return the repair tag to DAQEM within 10 days of the completion of said repairs.
 - (4) Operating Instructions. Each affected facility using a balance VAPOR recovery system, shall conspicuously display operating instructions. Such operating instructions shall:
 - (i) clearly describe how to dispense fuel correctly with a bellows, VAPOR recovery nozzle; -
 - (ii) include a warning that "Topping Off" may result in spillage or recirculation of GASOLINE, and that such practices are prohibited; and
 - (iii) include a prominent display of the DAQEM's telephone number.
- (b) GASOLINE Storage Tanks

- (1) No PERSON shall load, or permit the loading of GASOLINE into any GASOLINE storage tank unless such tank is equipped with a CARB certified Stage I VAPOR recovery system.
 - (2) Fugitive EMISSIONS generated during GASOLINE storage tank loading operations shall be prevented by using the best available equipment and by good operating practices.
 - (3) GASOLINE storage tank loading includes, but is not limited to, connecting and disconnecting VAPOR and fill hoses, and transfer of GASOLINE products.
 - (i) For the filling of the underground storage tanks from a tanker truck, VAPOR recovery hoses shall be connected first on and last off.
 - (ii) All underground tank loading operations shall require the use of a spill bucket to capture product spillage during normal delivery operations.
 - (4) Each GASOLINE delivery note from a supplier or common carrier shall include an inspection statement of the condition of the Stage I equipment for each product delivered. This statement must be signed by the delivery truck driver at the time of the inspection.
- (c) Stage I Requirements
- (1) All Stage I GASOLINE VAPOR recovery equipment shall be:
 - (i) installed as required
 - (ii) operated as recommended by the manufacturer; and
 - (iii) maintained Leak Free, VAPOR Tight and in good working order.
 - (iv) The GASOLINE fill connector shall be VAPOR-tight; and
 - (v) The VAPOR return line to the tank truck shall be VAPOR tight and must have a nominal diameter of at least 76 mm (3 inches).
- (d) Stage II Requirements
- (1) Each affected facility shall be operated and maintained in such a manner as to prevent any on-going conditions that include, but are not limited to the following:
 - (i) VAPOR hoses that
 - (A) are crimped;
 - (B) are flattened;
 - (C) are slit more than one (1) inch; or
 - (D) contain multiple slits whose total length is more than one (1) inch.
 - (ii) Nozzle boots which are torn in one or more of the following manners:
 - (A) A triangular shaped tear of 1/2 inch or more on a side.
 - (B) A hole 1/2 or more in diameter.
 - (C) A slit 1 inch or more in length.
 - (iii) nozzle shut-off mechanism malfunctions.
 - (iv) malfunctioning interlock mechanism.
 - (v) VAPOR return line malfunctions, blockages, or restrictions (including components such as swivels, anti-recirculation valves, shear valves, underground piping, etc)
 - (vi) inoperative VAPOR processing unit(s).
 - (vii) inoperative or defective vacuum producing devices;

- (viii) Any equipment defect that is identified in a CARB certification of an approved system as substantially impairing the effectiveness of the system in reducing refueling VAPOR EMISSIONS.
 - (ix) Each Stage I VAPOR adapter or fill adapter that is defective in any way or an adapter which is loose on the connecting threads.
 - (x) The absence, disabling or disconnection of any component that is part of the approved system.
 - (xi) damaged nozzle face plates and/or flexible cones that do not make a good seal and have more than ¼ of the circumference of the face plate or flexible cone damaged or missing.
- (e) Stage II Retrofit Impacts on Stage I Systems
- (1) Retrofit of a balanced Stage II system to a VAPOR assist Stage II system requires the following Stage I system modifications:
 - (i) A poppeted CARB certified system capable of demonstrated compliance with the static pressure decay test must be installed.
 - (ii) A two-point fill pipe system must be installed if there are modifications to the UST, UST system (excluding product lines), or the Stage I system.
 - (2) A poppeted coaxial fill pipe system is permitted if:
 - (i) the UST throughput is less than 3,640,000 gallons per year;
 - (ii) no UST modifications are made; and
 - (iii) the existing fill pipe is coaxial.
 - (3) A single-point system may remain in place until:
 - (i) modifications are made to the UST, UST system(excluding product lines), or the Stage I system; or
 - (4) In addition to the above, if the UST throughput is greater than 3,640,000 gallons per year, a two-point fill pipe system must be installed.

52.5 Performance Testing

- (a) General
- (1) For each initial and annual performance test, the OWNER OR OPERATOR shall give seven-day written prior notice of the date of the test to the Compliance Supervisor, DAQEM.
 - (2) Within seven (7) days from the end of an initial or annual performance test, the OWNER OR OPERATOR shall submit a report containing the results of such test to DAQEM.
 - (3) The report shall have, as the first page of text, a signed Certification (Exhibit 1).
 - (4) Except as provided in this subsection, each performance test shall be conducted by a Certified Tester.
 - (5) If, after the seven (7) days notice for an initially scheduled performance test, there is a delay (due to operational problems) in conducting any rescheduled performance test required in this section, the OWNER OR OPERATOR of an affected facility shall submit a notice to the CONTROL OFFICER at least 48 hours prior to any rescheduled performance test.
- (b) Initial Performance Testing

- (1) Each new or modified affected facility shall pass an initial performance test within 30-days from the date of issuance of a "Certificate of Occupancy". Upon successful completion of the performance test, a "GASOLINE Dispensing OPERATING PERMIT" will be issued.
 - (i) The OWNER OR OPERATOR shall notify the Compliance Supervisor, DAQEM, of the date of issuance of a "Certificate of Occupancy". Such written notification shall consist of a copy of the "Certificate of Occupancy".
 - (2) If an affected facility fails to pass the first initial performance test, then subsequent initial performance test shall be conducted, and a non-refundable \$150 inspection fee shall be paid for each test, until the affected facility passes the initial performance test.
 - (3) If repairs to the UST or Stage I controls were effected to pass the performance test, the report must contain the appropriate jurate and signature of a Nevada Certified Tank Handler, Tester of Underground Storage Tanks, or Environmental Manager.
 - (4) Commencing July 1, 1996, initial performance testing shall be conducted by a certified Stage II VAPOR Recovery tester in the presence of a representative of the District.
- (c) Annual Performance Testing of a Balance VAPOR Recovery System
- (1) Each OWNER OR OPERATOR of any affected facility shall conduct a Balance System Inspection and submit a report of the results of that inspection to the Compliance Supervisor, DAQEM. The Balance System Inspection shall be conducted by a Certified Tester and shall include all above ground components including those items in Subsection 52.6(a). Such inspections shall be conducted annually.
 - (2) If the results of the Balance System Inspection shows a loss of system integrity, which is not part of the daily inspection requirement (Subsection 52.6(a)), then the CONTROL OFFICER may require the OWNER OR OPERATOR to conduct the following:
 - (i) Static Pressure Decay Test; and
 - (ii) Dynamic Back-pressure Test.
 - (3) Nothing in this subsection shall be construed as preventing the CONTROL OFFICER from conducting such inspections, or from conducting the test listed in Subsection 52.5(b)(2).
 - (4) Each annual performance test may be conducted without a representative of the - DAQEM being present
 - (5) If repairs to the UST or Stage I controls were effected to pass the performance test, the report must contain the appropriate jurate and signature of a Nevada Certified Tank Handler or Environmental Manager.
- (d) Annual Performance Testing of an Assist VAPOR Recovery System
- (1) Each OWNER OR OPERATOR of an affected facility shall perform, or cause to be performed, the appropriate test as listed in Subsection 52.5(e)(1)(i), (iv), and (vi), and Subsection 52.5(e)(2), once each year.

- (2) In addition to the test listed above, any affected facility equipped with Healy 400 or 600 Stage II VAPOR Recovery systems shall conduct a test on the VAPOR return line using test method CC-TP 95-3.
 - (3) Each annual performance test may be conducted without a representative of the District being present.
- (e) Test Methodologies and Standards
- (1) The following test methods are approved for use in Clark County, Nevada:
 - (i) Static Pressure Decay Test (CC-TP-95-1);
 - (ii) Dynamic Back-pressure Test (CC-TP-95-4);
 - (iii) Blockage Test;
 - (iv) Air to Liquid Ratio Test (CC-TP-95-2);
 - (v) Flow Test; and
 - (vi) any CARB test method(s).
 - (2) Any affected facility equipped with Healy 400 or 600 Stage II VAPOR Recovery systems shall conduct a test on the VAPOR return line using test method CC-TP 95-3.
 - (3) The OWNER OR OPERATOR shall give 7-day written prior notice to the Compliance Supervisor, DAQEM, of the date of the annual performance test.
- (f) Failed Test
- (1) Initial Performance Test. Any affected facility failing to pass all aspects of the initial Performance test shall not be issued a "GASOLINE Dispensing OPERATING PERMIT" and shall not commence commercial operation(s) except as provided in the "GASOLINE Dispensing Authority to Construct".
 - (2) Annual Performance Test. Any affected facility failing to pass all aspects of the annual Performance test shall:
 - (i) effect all necessary repairs; and
 - (ii) re-test the affected facility; and
 - (iii) immediately notify the Compliance Supervisor, DAQEM.
 - (3) The process of Subsection 52.5(f)(2) shall continue until the affected facility successfully passes all aspects of the performance test. The CONTROL OFFICER may require the OWNER OR OPERATOR to conduct a re-test in the presence of a representative of the District.
 - (4) Any control equipment and associated GASOLINE dispensing equipment that fails to meet the standards of the applicable performance test shall be tagged as "Out of Order". No PERSON shall use or permit the use of tagged equipment until it has been repaired, replaced, or adjusted, the performance test of Subsection 52.5(d)(2) has been re-conducted, and the CONTROL OFFICER has been notified.

52.6 Inspection Requirements

- (a) Daily Inspections
- (1) Each affected facility shall conduct daily inspections of the Stage II VAPOR recovery systems for defects in the following component(s) of said VAPOR recovery system(s):
 - (i) VAPOR hoses that

- (A) are crimped;
- (B) are flattened;
- (C) are slit more than one(1) inch; or
- (D) contain multiple slits whose total length is more than one (1) inch.
- (ii) Nozzle boots which are torn in one or more of the following manners:
 - (A) A triangular shaped tear of 1/2 inch or more on a side.
 - (B) A hole 1/2 or more in diameter.
 - (C) A slit 1 inch or more in length.
- (iii) Damaged face plate or flexible cone. The extent of the damage shall be less than one fourth (1/4) of the circumference of the face plate or flexible cone.
- (iv) VAPOR processing unit(s) as applicable;
- (v) interlock mechanism(s), as applicable;
- (vi) any component that is part of the approved system;
- (vii) fill hose retractors.
- (2) Each affected facility that uses a flare device as an integral segment of the control system shall inspect daily each:
 - (i) flame detection sensor; and
 - (ii) visual and/or audible display or alarm

52.7 Recordkeeping, Reporting, and Notifications

- (a) Recordkeeping
 - (1) All records shall be maintained for three (3) years from the date of log or record entry.
 - (2) Such logs or records shall be stored on-site at all times, and shall be made available to the CONTROL OFFICER upon request.
 - (i) Exception: The current calendar month, and the previous two (2) calendar months, logs or records shall be kept on site; and
 - (ii) the balance of the three (3) calendar years' logs and records may be kept at a central location provided:
 - (A) such records shall be made available no later than 12:00 p.m. on the next regularly scheduled District workday.
 - (3) If the affected facility is routinely unmanned during regular business hours, then such records shall be made available no later than 12:00 p.m. on the next regularly scheduled District workday.
- (b) Log Or Record Contents
 - (1) Each affected facility shall maintain a log or record containing, but not limited to, the following information:
 - (i) maintenance on any part of the Stage I or Stage II equipment;
 - (ii) including a general description of the maintenance;
 - (iii) the date the equipment was taken out-of-service;
 - (iv) the date of repair or replacement;
 - (v) a general description of the part location (e.g., pump, tank, nozzle number, etc.);

- (vi) a description of the problem; and
- (vii) the results of the daily inspections, Subsection 52.6.
- (c) Exemptions. The following affected facilities are exempt from the requirements of Subsection 52.6 (Inspection Requirements):
 - (1) Each affected facility used exclusively for the refueling of watercraft, or implements of agriculture; and
 - (2) Each affected facility for dispensing GASOLINE into MOTOR VEHICLES that commenced construction before January 1, 1991 and has an annual throughput of less than 96,000 gallons of GASOLINE.
- (d) Reporting
 - (1) Annual Through-put
 - (i) The OWNER OR OPERATOR of an affected facility shall submit an annual report of the total GASOLINE through-put. The report is due on or before January 30 of each year, and shall contain information relating to the through-put for the past calendar year.
 - (ii) The report shall be addressed to the Compliance Supervisor, DAQEM.
 - (iii) The report shall be submitted as presented in Exhibit 2.
 - (2) Performance Test Results
 - (i) Within seven (7) days from the end of an initial or annual performance test, the Responsible Official of the affected facility shall submit a report of the results of such testing.
 - (ii) The report shall be addressed to the Compliance Supervisor, DAQEM.
 - (iii) The first page of text shall be the signed Certification form, i.e., Exhibit 1.
- (e) Notifications [Reserved]

52.8 Section 52 Offset Program; all provisions and requirements of this subsection expire on December 31, 2004.

- (a) Section 52 Offset Requirements
 - (1) Any new or modified affected facility whose annual through-put is more than 3,640,000 gallons of gasoline per year, shall offset all EMISSIONS at a rate of 2 tons of offset for each 1 ton of EMISSIONS.
 - (2) Offsetting shall be accomplished by obtaining Section 52 EMISSION REDUCTION CREDITS (ERCs) by the following methods:
 - (i) from Subsection 52.8(b) (Section 52 ERCs from Retrofitting); or
 - (ii) from Subsection 52.8(d) (Assignment of Section 52 ERCs); or
 - (iii) from Subsection 52.8(e) (Section 52 ERCs from Affected Facility Closure);or
 - (iv) from any PERSON holding valid and transferable Section 52 EMISSION REDUCTION CREDITS pursuant to (i) through (iv), above.
 - (3) Section 52 ERCs shall be obtained and submitted to the CONTROL OFFICER within thirty (30) days from notification (Assessment) that:
 - (i) an Offset obligation exist; and
 - (ii) the extent of that obligation.

- (4) Section 52 ERCs may only be used to offset VOC emissions from gasoline dispensing facilities (GDFs).
- (b) Section 52 EMISSION REDUCTION CREDITS (ERC) from Retrofitting
- (1) An OWNER OR OPERATOR of an affected facility who installs Stage II VAPOR Recovery controls to an existing affected facility (i.e., commenced construction prior to January 1, 1991), may apply to the CONTROL OFFICER for a Section 52 ERC; provided such credit is enforceable, permanent, and quantifiable. The units of the credit are tons per year of Volatile Organic Compound (VOC).
 - (2) The CONTROL OFFICER will award a Certificate of Section 52 EMISSION REDUCTION CREDIT upon final approval of the installation of Stage II VAPOR Recovery controls.
 - (3) The credit will be calculated as follows:

$$E_c = 0.8 \left[\frac{a - b}{2000} Q_a \right]$$

where

- E_c = creditable EMISSIONS (tons per year)
- A = uncontrolled Stage II EMISSIONS (=0.0110 pounds per gallon, AP-42 Table 5.2-7, 5th edition)
- B = controlled Stage II EMISSIONS (= 0.0011 pounds per gallon, AP-42 Table 5.2-7, 5th edition)
- Q_a = average of 3-calendar year's actual annual through-put (gallons per year)
- 2000 = conversion factor (pounds per ton)

- (c) Section 52 EMISSION REDUCTION CREDIT Application Process
- (1) Upon final approval of the Installation of Stage II VAPOR Recovery controls, the OWNER OR OPERATOR of an affected – facility may submit an application for Section 52 EMISSION REDUCTION CREDITS.
 - (2) After verification of the installation of Stage II VAPOR Recovery equipment and the payment of all applicable fees, the CONTROL OFFICER shall issue a Certificate of Section 52 EMISSION REDUCTION CREDIT within (30) thirty days from the date of payment of all applicable fees. This certificate officially registers the affected facility, and documents the amount of Section 52 ERCs on deposit in the Section 52 EMISSION REDUCTION CREDIT Bank that are eligible for sale or transfer.
 - (3) Section 52 ERC Filing Fee. Each OWNER OR OPERATOR of an affected facility shall pay an initial registration fee of \$50.00 for listing in the Section 52 ERC Registry.
 - (4) Section 52 ERC banking certificates are not in effect and cannot be traded or used in any manner unless the appropriate fees have been fully paid.
- (d) Assignment of Section 52 ERCs
- (1) The PERSON that installs the underground Stage II equipment shall be entitled to 50% of the Section 52 ERCs granted, and the PERSON that maintains the above ground Stage II equipment shall – be entitled to 50% of the Section 52 ERCs granted.

- (2) On and after September 25, 1997, any affected facility, not located in the area of applicability and choosing to install Stage II VAPOR recovery equipment, may petition the CONTROL OFFICER for Section 52 ERCs.
 - (i) The PERSON that pays for the installation of the Stage II VAPOR Recovery system shall receive the Section 52 ERC(s).
 - (ii) these Section 52 ERCs shall be considered as lifetime credits.
- (e) Section 52 ERCs from Affected Facility Closure
 - (1) The OWNER OR OPERATOR of any affected facility who permanently closes that facility may petition the CONTROL OFFICER for Section 52 ERCs provided that Stage II VAPOR Recovery is installed, fully operable, and has passed the annual performance test.
 - (2) The amount of bankable Section 52 ERCs shall be determined in accordance with Subsection 52.8(b)(3).
 - (1) Dual credit for Subsection 52.8(b) and Subsection 52.8(e) Section 52 ERCs will not be allowed.
- (f) All ERCs associated with Section 52 will become null and void on December 31, 2004.

52.9 Certification Program

- (a) Requirements for Certification as a Tester of Stage II VAPOR Recovery
 - (1) An applicant for certification as a Stage II VAPOR Recovery tester shall be:
 - (i) of good character and reputation as determined by the District upon review of the applicants references. Certification shall be denied if such review indicates that the applicant fails to meet all applicable standards; and
 - (i) an independent contractor whose principle business is the construction, repair or testing of GDF; or
 - (iii) employed by a company whose principle business is the construction, repair or testing of GDF;
 - (2) If the tester participates in the installation, repair or upgrade of an UST, Stage I, or Stage II system, then the tester shall either:
 - (i) be directly supervised by a Tester Of Underground Storage Tank or Certified Tank Handler; or
 - (ii) be in possession of a Tester Of Underground Storage Tank or Certified Tank Handler certificate.
 - (3) The applicant shall submit to the District:
 - (i) A completed application form provided by the District;
 - (ii) A nonrefundable application review fee of \$50;
 - (iii) A specific record of direct participation in at least 30 Stage II VAPOR Recovery tests for each test category in the last five (5) years. Test categories include Leak and Decay, Nozzle Performance, Static Pressure Decay, Dynamic Back-pressure, Blockage, Air to Liquid Ratio, Flow Test. For the purposes of this subsection, a Healy VAPOR Return line test shall

- not be included as a test category, but can be used to complete not more than 5 tests in any one category;
- (iv) Evidence of at least two (2) years experience in the field of VAPOR recovery;
 - (v) Three letters of reference from other unrelated natural PERSONS with experience in Stage II VAPOR Recovery Testing that can attest to the applicants moral character and competence in that classification; and
 - (vi) Pass a written examination.
- (4) Within thirty (30) days of receipt of all the required information, the District shall send each applicant written notice of application approval or disapproval.
- (b) Examination for Certification as a Stage II VAPOR Recovery Tester
- (1) The District shall provide a written examination consisting of general knowledge and task specific questions.
 - (2) A Passing score of 80% is required for certification.
 - (3) The examinations are the property of the District and shall remain confidential.
 - (4) An applicant who fails the initial written examination is eligible for a re-examination - after six (6) weeks. A new application and new application fee is required after - failing two (2) consecutive written examinations.
 - (5) Each application for certification will remain on file with the District for one (1) year from the date of submittal.
- (c) Contents and Duration of Certificate
- (1) Each certificate shall contain, at minimum:
 - (i) the name of the applicant;
 - (ii) the number of the certificate;
 - (iii) the date of expiration of the certificate;
 - (iv) the specific classification of certification; and
 - (v) the name and address of employer.
 - (2) The certificate shall expire two (2) years after the date the District issues the certificate.
- (d) Renewal of Certificate
- (1) A holder of a certificate wishing to renew the certificate shall:
 - (i) meet the requirements of Section 52.9(a)(1);
 - (ii) submit a completed application for renewal of the certificate to the District on a form provided by the District;
 - (iii) submit a nonrefundable fee of \$50;
 - (iv) certify as to the accuracy and completeness of the application and supporting documentation; and
 - (v) successfully complete an examination for renewal; or
 - (vi) submit a record of at least fifteen (15) Stage II tests conducted in the past two (2) years.
- (e) Standards of Practice
- (1) Each certificate holder shall:
 - (i) provide services which are:
 - (A) ethical;
 - (B) meet the current standard of the profession; and

- (C) comply with federal, state and local regulations concerning the storage and handling of hazardous substances.
- (ii) be responsible for the work of other people he employs or supervises;
- (iii) have a copy of his/her certificate at the location where he/she is supervising work. Upon the request of the District, client or potential client, a holder of a certificate shall present his certificate for inspection;
- (iv) make a written report to the facility OWNER OR OPERATOR, within twenty-four (24) hours, upon the failure of a GDF to meet the standards required by the applicable tests, and advise that OWNER OR OPERATOR of any applicable reporting requirements;
- (v) report to the District within seven (7) days of any failure of a GDF to meet the standards required by the applicable tests;
- (vi) secure the services of a qualified PERSON to perform any part of his/her work which requires a level of service or skill which he/she is not qualified to provide;
- (vii) provide complete prior disclosures to his/her clients or potential clients of potential conflicts of interest or other circumstances which could influence his/her judgment or the quality of the services he provides;
- (viii) maintain a written record of each project, requiring a certified Stage II VAPOR Recovery Tester, for three (3) years after the project is completed; and
- (ix) maintain a bound field log book of inspections for which the tester has supervised, participated, and/or performed. The bound log book shall list the following:
 - (A) test date;
 - (B) affected facility name;
 - (C) affected facility address;
 - (D) DAQEM identification number;
 - (E) date, time, and name of contact when notifying DAQEM of the test;
 - (F) name of each test performed; and
 - (G) status of each test: Pass/Fail.
 - (H) If a test or a portion of a test fails, then the log book entry shall describe:
 - (1) the suspected cause of the failure;
 - (2) the repairs made;
 - (3) the name of the PERSON effecting repairs; and
 - (4) the results of the subsequent performance test.
- (2) Certification may be suspended, revoked or denied for renewal if the District determines that the certificate holder has not performed in accordance with these standards.
- (f) Services for which Certification is Required
 - (1) A PERSON shall not provide Certified Stage II VAPOR Recovery testing services, unless those services are performed under the direction and responsible control of a natural PERSON who has obtained certification from the District and is present for the full duration of the tests.

- (2) The provisions of this subsection do not prohibit the engagement of an apprentice or assistant if a natural PERSON who is certified by the District supervises that apprentice or assistant and maintains responsibility for the work of that apprentice or assistant and is present for the full duration of the tests.
- (g) Certification Reciprocity -
- (1) A natural PERSON who is certified by another state or organization, and that state or organization is recognized by the District, then the District may issue a Stage II VAPOR Recovery tester certificate to such PERSON without requiring the provisions of Subsection 52.9(b) being met.
- (2) A natural PERSON who applies for certification pursuant to this subsection must submit the following to the District:
- (i) A completed application form provided by the District;
 - (ii) a non-refundable fee of \$50 for the application review; and
 - (iii) if certification by another state or organization recognized by the District in the classification for which he/she is applying for certification in this Section.

52.10 Miscellaneous

- (a) VAPOR laden tank trucks shall be refilled only at facilities equipped with a VAPOR control system in accordance with Subsection 51.4 of these Regulations.
- (b) No PERSON shall fill or top off, or permit the filling or topping off, of GASOLINE tanks of MOTOR VEHICLES to a level which allows spillage of such GASOLINE.
- (c) No PERSON shall operate an airplane refueling area unless the affected facility is equipped with a CARB certified Stage I VAPOR recovery system.

52.11 Fees

- (a) GASOLINE Dispensing Facilities are subject to the following:
- | | |
|--|----------|
| (1) Application Fee | \$236.00 |
| (2) Application Review Fee | none |
| (3) Annual EMISSIONS Units Fee: | \$56.00 |
| (i) Each GASOLINE storage tank at any GASOLINE DISPENSING FACILITY, excluding bulk terminals | |
| (4) Transfer of a GASOLINE DISPENSING FACILITY OPERATING PERMIT from one PERSON to another. | \$100.00 |
| (5) Replacement of each lost or destroyed Authority to Construct or OPERATING PERMIT. | \$ 25.00 |
| (6) Request for Hearing before the DAQEM HEARING BOARD, which is Applicable to each Variance, Appeal, or Compliance Schedule (non-refundable fee): | \$140.00 |

- (7) There will be no annual Urban consumer Price Index fee adjustment
 - (8) GASOLINE Dispensing facilities will pay \$33 per ton of EMISSIONS (except CO which shall be paid at \$11 per ton) when non-major sources become subject to the provisions of Section 19 (Part 70 OPERATING PERMITS) of these regulations.
- (b) The fees of Subsection 52.11(a)(3)(i) shall be prorated on a quarterly basis.
 - (c) The fees of Subsection 52.11(a) shall be reviewed every two (2) years commencing in January 1999.

History: Amended: September 3, 1981; April 23, 1997; January 24, 1991; October 27, 1994; April 27, 1995; March 28, 1996; September 25, 1997; April 22, 1999; June 25, 2001; June 3, 2003; BCC-October 7, 2003, effective October 21, 2003 (only Subsection 52.8); July 1, 2004.

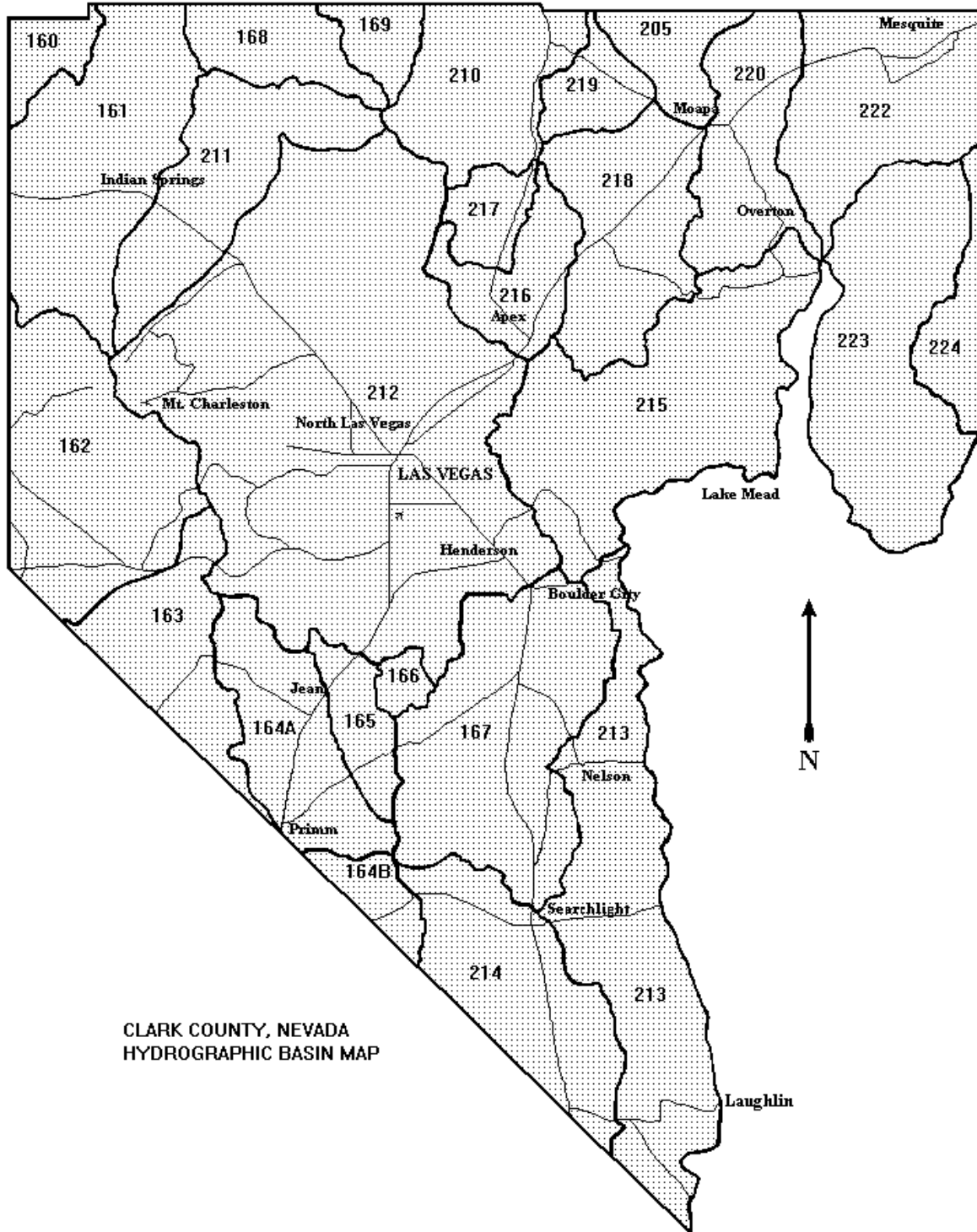


Figure 52-1 Stage I Area of Applicability

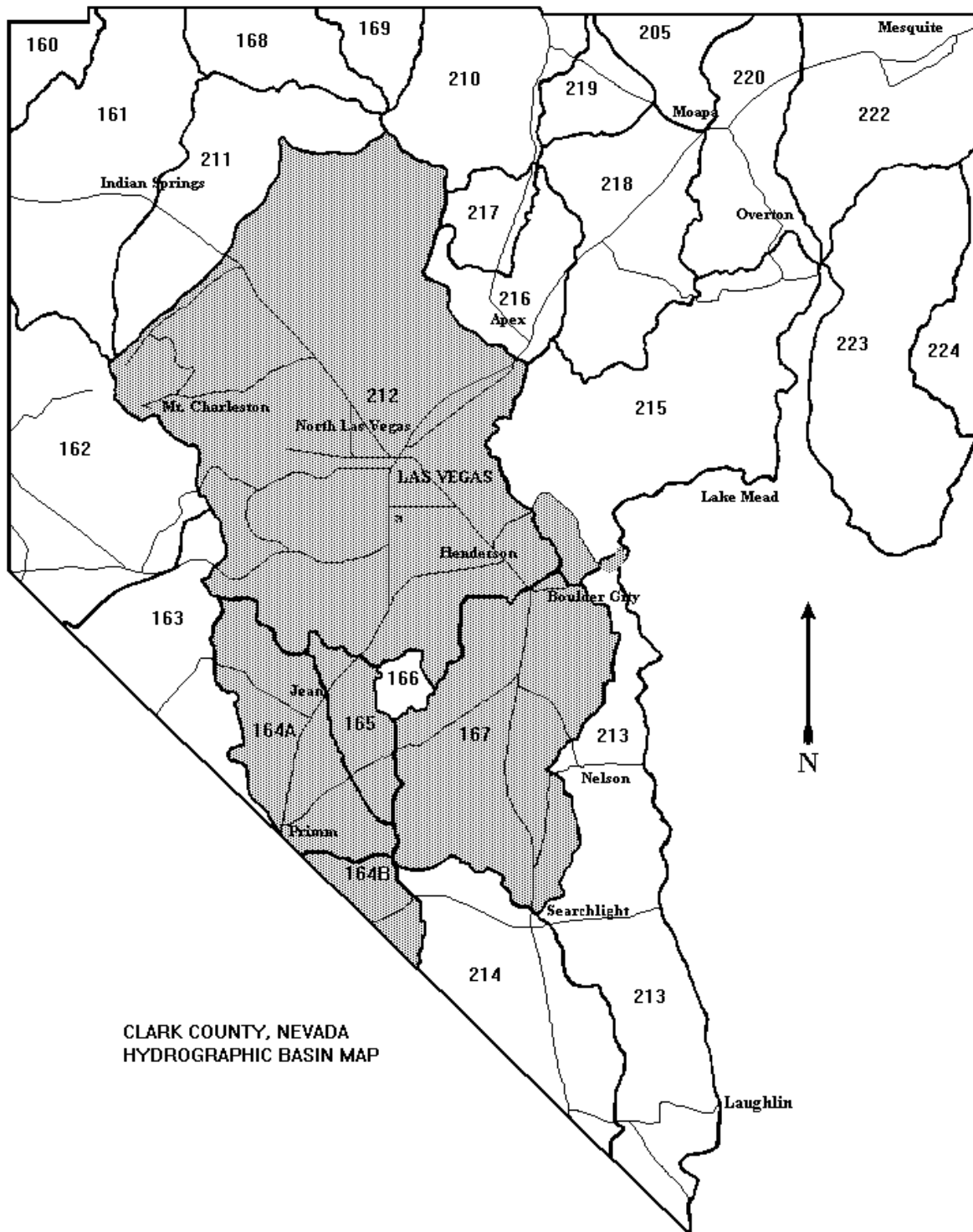


Figure 52-2 Stage II Area of Applicability

Exhibit 1

**GASOLINE DISPENSING FACILITY
CERTIFICATION of PERFORMANCE TEST RESULTS**

Date of Test _____ Permit Number _____

Test	Pass	Fail
Static Pressure Decay Test (CC-TP-95-1)		
Dynamic Back-pressure Test (CC-TP-95-4)		
Blockage Test		
Air to Liquid Ratio Test (CC-TP-95-2)		
Flow Test		
Healy 400 or 600 Stage II VAPOR Recovery systems: VAPOR return line CC-TP 95-3.		

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of the law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information including the possibility of fine and/or imprisonment.

Signature of Responsible Official

Printed or Typed Name, and Title

Date

Exhibit 2

**GASOLINE DISPENSING FACILITY
ANNUAL THROUGH-PUT REPORT AND CERTIFICATION**

Permit Number:

Owner's Name _____

Operator's Name _____

Street Address _____

City, State, and Zip Code _____

Calendar year being reported _____

Annual through-put for all grades of GASOLINE (gallons) _____

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of the law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information including the possibility of fine and/or imprisonment.

Signature of Responsible Official

Printed or Typed Name, and Title

Date