**Section 218.586 Gasoline Dispensing Operations – Motor Vehicle Fueling Operations**

a) Definitions. For the purposes of this Section, the following definitions apply.

1) Average monthly volume means the amount of motor vehicle fuel dispensed per month from a gasoline dispensing operation based upon a monthly average for the 2-year period of November 1990 through October 1992 or, if not available, the monthly average for the most recent twelve calendar months. Monthly averages are to include only those months when the operation was operating.

2) Certified means any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least 95% (by weight) shall constitute a certified vapor collection and control system. CARB testing and approval is pursuant to the CARB manual, incorporated by reference at Section 218.112 of this Part.

3) Completion of installation means the successful passing of one or more of the following tests applicable to the installed vapor collection and control system: Dynamic Backpressure Test, Pressure Decay/Leak Test, and Liquid Blockage Test, incorporated by reference at Section 218.112 of this Part.

4) CARB means California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

5) Employee means any person who performs work for an employer.

6) Operation means any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.

7) Gasoline dispensing operation means any operation where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

8) Modification means any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.

9) Motor vehicle means any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles and trucks. Specifically excluded from this definition are watercraft and aircraft.

10) Motor vehicle fuel means any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles.

11) Owner or operator means any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing operation.

12) Reid vapor pressure for gasoline shall be measured in accordance with the method ASTM D323-08, incorporated by reference in Section 218.112 of this Part.

13) Vapor collection and control system means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.

b) Applicability. The provisions of subsection (c) shall apply to any gasoline dispensing operation which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. Compliance shall be required and demonstrated in accordance with the schedule provided in subsection (d).

c) Vapor Collection and Control Systems. No owner or operator of a gasoline dispensing operation subject to the requirements of subsection (b) shall cause or allow the dispensing of motor vehicle fuel at any time from a motor fuel dispenser unless the dispenser is equipped with and utilizes a vapor collection and control system which is properly installed and operated as provided in this subsection (c):

1) Any vapor collection and control system installed, used or maintained has been CARB certified.

2) Any vapor collection and control system utilized is maintained in accordance with the manufacturer's specifications and the certification.

3) No elements or components of a vapor collection and control system are modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.

4) A vapor collection and control system has no defective, malfunctioning or missing components.

5) Operators and employees of the gasoline dispensing operation are trained and instructed in the proper operation and maintenance of a vapor collection and control system.

6) Instructions are posted in a conspicuous and visible place within the motor fuel dispensing area and describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

d) Compliance. In conjunction with the compliance provisions of Section 218.105 of this Part, gasoline dispensing operations subject to the requirements of subsection (c) shall comply and demonstrate compliance according to the following:

1) Gasoline dispensing operations that operate at any time prior to January 1, 2014 shall comply with subsection (c) until decommissioning is allowed and commenced in accordance with subsections (i)(l) and (i)(2)(B).

2) The provisions of subsection (c) shall not apply to any new gasoline dispensing operation that commences operating for the first time on or after January 1, 2014.

e) Except as provided in subsection (d), any gasoline dispensing operation that becomes subject to the provisions of subsection (c) at any time shall remain subject to the provisions of subsection (c) at all times.

f) Upon request by the Agency, the owner or operator of a gasoline dispensing operation which claims to be exempt from the requirements of subsection (c) shall submit records to the Agency within 30 calendar days from the date of the request which demonstrate that the gasoline dispensing operation is in fact exempt.

g) Recordkeeping and Reporting

1) Any gasoline dispensing operation subject to subsection (c) shall retain at the operation copies of the registration information required at subsection (h).

2) Except as provided in subsection (g)(4), records and reports required pursuant to this subsection (g) shall be made available to the Agency upon request.

3) Records and reports, which shall be maintained by the owner or operator of a gasoline dispensing operation subject to subsection (c), shall clearly demonstrate:

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 operation 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 and informed as to the potential penalties associated with the violation of any provision of this Section.

4) Any and all records relating to decommissioning shall be maintained by the owner or operator of a gasoline dispensing operation for a period of 5 years after completion of decommissioning in accordance with subsection (i). For purposes of this subsection (g)(4), "records" include, but are not limited to, any documents, papers, reports, test results, logs, invoices, forms, certifications and receipts that relate to decommissioning. Records relating to decommissioning shall be made available to the Agency or its designee within 30 minutes after the Agency's, or its designee's, request.

h) Any gasoline dispensing operation subject to subsection (c) shall comply with the following registration requirements:

1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing operation shall submit to the Agency a registration which provides at minimum the operation name and address, signature of the owner or operator, the CARB Executive Order Number for the vapor collection and control system to be utilized, the number of nozzles (excluding diesel or kerosene) used for motor vehicle refueling, the monthly average volume of motor vehicle fuel dispensed, the location (including contact person's name, address, and telephone number) of records and reports required by this Section, and the date of completion of installation of the vapor collection and control system.

2) The registration shall be submitted to the Agency within 30 days after completion of the installation.

3) A copy of the registration information shall be maintained at the gasoline dispensing operation.

4) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing operation shall submit to the Agency a registration that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days after completion of the modification.

i) Decommissioning. The owner or operator of a gasoline dispensing operation subject at any time to subsection (c) shall decommission vapor collection and control systems in accordance with the provisions of this subsection (i).

1) Compliance

A) Beginning January 1, 2014, an owner or operator of a gasoline dispensing operation may commence decommissioning of vapor collection and control systems. The decommissioning of vapor collection and control systems must be conducted in accordance with all of the provisions specified in subsection (i)(2).

B) No later than December 31, 2016, an owner or operator of a gasoline dispensing operation shall complete the decommissioning of all vapor collection and control systems in accordance with all of the provisions specified in subsection (i)(2).

2) Decommissioning Procedures and Standards. The decommissioning of vapor collection and control systems shall be conducted as follows:

A) The owner or operator of a gasoline dispensing operation shall complete and submit a notice of intent form, provided by the Agency, notifying the Agency of its intent to decommission. The completed notice of intent form shall be submitted to the Agency at least 10 days prior to commencing decommissioning in accordance with subsection (i)(2)(B);

B) The owner or operator of a gasoline dispensing operation shall decommission vapor collection and control systems in accordance with all of the procedures specified in Section 14.6, except Section 14.6.14, of the Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites", PEI/RP 300-09 (PEI), incorporated by reference at Section 218.112 of this Part. In addition to Section 14.6 of the PEI, the following requirements apply to decommissioning:

i) All decommissioning procedures, except testing, shall be performed only by a contractor who is both registered with the Illinois Department of Agriculture, Bureau of Weights and Measures, in the 3-A Gasoline Pump Meters Code pursuant to Section 8.1 of the Weights and Measures Act [225 ILCS 470/8.1] and licensed by the Office of the State Fire Marshal (OSFM) in the installation/retrofitting licensure module pursuant to the Petroleum Equipment Contractors Licensing Act [225 ILCS 729] and implementing regulations at 41 Ill. Adm. Code 172. Any such contractor shall also have the appropriate dispenser-manufacturer certification and training, if any. In the event that product piping must be broken or an OSFM permit is otherwise required for any component of the work, the contractor shall ensure that the OSFM-permitted work is performed by the appropriate OSFM-licensed contractor and personnel;

ii) Decommissioning procedures related to testing shall be performed only by a contractor who is licensed by OSFM in the tank tightness testing licensure module pursuant to the Petroleum Equipment Contractors Licensing Act and implementing regulations at 41 Ill. Adm. Code 172; and

iii) The pressure decay test required by the PEI shall be passed in accordance with Appendix A of the PEI. The tie-tank test required by the PEI shall be conducted and passed in accordance with CARB TP201.3C to ensure that all tanks are properly vented; and

C) The owner or operator of a gasoline dispensing operation and the contractors that performed the decommissioning shall complete and sign a decommissioning checklist and certification, provided by the Agency, documenting the decommissioning procedures performed. Within 30 days after completion of the decommissioning procedures specified by subsection (i)(2)(B), the owner or operator shall provide the completed checklist and certification and the test results to the Agency.

(Source: Amended at 38 Ill. Reg. 1032, effective December 23, 2013)