



ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

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STATEMENT OF INTERPRETATION (November, 2004)
Arizona Revised Statutes Title 41, Chapter 15, §41-2132(A)
Arizona Administrative Code Title 20, Chapter 2, R20-2-903 (A)(B)
Arizona Administrative Code Title 20, Chapter 2, R20-2-907 (A)(B)

Background: A requirement that states; A person shall not offer for sale, sell, install or use a new gasoline vapor recovery system, or any new or rebuilt component parts of the system, unless the system or component part has been certified by the California air resources board as of March 31, 2001 or after that date and has not been rejected by the department. (A.R.S. §41-2132. Stage I and stage II vapor recovery systems) began Laws 1992, Ch. 299 §61 without the phrase “as of March 31, 2001 or after that date and has not been rejected by the Department”. Another requirement found in the Arizona Administrative Code states: The Department shall reject a vapor recovery system or component if the vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in R20-2-901. The piping of both a stage I and stage II vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I and stage II vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under R20-2-904 (R20-2-903 (A) & (B) Equipment and Installation). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp.04-2).

On May 13, 2004 a meeting was held at the Department's Glendale Office with members of the Western States Petroleum Association to discuss the Agency's approach to enforcement of these Stage II vapor recovery statutes and rules. This statement describes how ADWM interprets the pertinent statute and rules regarding California Air Resource Board (CARB) Executive Orders (EOs) are to be applied in this state.

Statute: 41-2132. Stage I and stage II vapor recovery systems

- A. A person shall not offer for sale, sell, install or use a new gasoline vapor recovery system, or any new or rebuilt component parts of the system, unless the system or component part has been certified by the California air resources board as of March 31, 2001 or after that date and has not been rejected by the department. The department shall maintain and keep current a list of stage I and stage II vapor recovery systems and component parts that are approved by the department. Only those systems that are approved shall be used in this state. All certified vapor recovery components must be clearly identified by a permanent identification affixed by the certified manufacturer or rebuilder.

Interpretation: The intent behind this language is to allow all CARB pre-Enhanced Vapor Recovery (EVR) EOs issued up to, and including March 31, 2001, and all new EOs developed after that date. This language provides the regulated community the flexibility of maintaining existing pre-EVR systems and installing either pre-EVR or EVR systems at new or existing service stations in the future.

Administrative Rule: R20-2-903. Equipment and Installation;

- B. The piping of both a stage I and stage II vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I and stage II vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under R20-2-904.

Interpretation: The Department feels the use of non-CARB certified components would violate the State Implementation Plan (SIP).

Reasoning: The Department can not allow this State to become a dumping ground for non-CARB Stage II vapor recovery approved systems or components. We believe to allow non-CARB approved systems or components would be a violation of the SIP. Furthermore, A.R.S. §41-2132 (G) states; “The department of weights and measures in consultation with the department of environmental quality and the state fire marshal shall establish by rule standards for the installation and operation of stage I and stage II vapor recovery systems. The department of weights and measures shall establish by rule plan review and approval fees. In establishing those rules and standards, the director shall consider requirements in other states to assure that only state of the art technology is used”. We feel EVR is the state of the art equipment regarding Stage II vapor recovery. This Department does not have the engineering expertise on staff to evaluate Stage II vapor recovery equipment. We depend on the experts at CARB to certify EVR and its effectiveness in reducing emission from fueling devices.

Administrative Rule: R20-2-907. Operation

- A. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless stage II vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.
- B. The owner or operator shall operate a stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.

Interpretation: The Department will continue to enforce the installation of Stage II vapor recovery systems and components according to the CARB EOs. We believe to eliminate any component from a CARB certified system would be a violation of the SIP. The Department will not routinely use In Station Diagnostics (ISD) readings as an enforcement tool. The Department cannot and will not give up its enforcement powers, In the event that a system has indicated an individual has blatantly disregarded alarms or other warnings by the ISD the ISD readings would be used as a guide to direct additional testing of the system or system components.

Reasoning: The Department has seen presentations on ISD from the manufacturer and has allowed a test site to be installed the state as requested by a service station owner. We believe while it may not be suitable to impose enforcement actions solely on the readings of an ISD system the Department cannot eliminate components, which CARB has approved as a system and the ISD can provide benefits to the owner/operator.