

REFERENCE TITLE: air quality; vapor recovery; Tucson

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2334**

Introduced by  
Representatives Farley, Campbell CH, Saradnik, Sinema: Ableser, Bradley,  
Meza, Prezelski, Schapira

AN ACT

AMENDING SECTION 41-2132, ARIZONA REVISED STATUTES; RELATING TO GASOLINE  
VAPOR CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2132, Arizona Revised Statutes, is amended to  
3 read:

4 41-2132. Stage I and stage II vapor recovery systems

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

15 B. For gasoline dispensing sites with a throughput of over ten  
16 thousand gallons per month in area A or area B as defined in section 49-541,  
17 and beginning on January 1, 2001 for gasoline dispensing sites with a  
18 throughput of over ten thousand gallons per month in area A but outside of  
19 the Phoenix area Maricopa county ozone nonattainment area as prescribed in 40  
20 Code of Federal Regulations section 81.303, a person shall not transfer or  
21 allow the transfer of gasoline into storage tanks at gasoline dispensing  
22 sites unless the storage tank is equipped with either of the following:

23 1. A stage I vapor collection system consisting of a vapor-tight  
24 return line from the storage tank or its vent to the gasoline transport  
25 vehicle.

26 2. A properly installed on-site vapor control system connected to a  
27 vapor collection system.

28 C. ~~In an ozone nonattainment area designated as moderate, serious,~~  
29 ~~severe or extreme by the United States environmental protection agency under~~  
30 ~~section 107(d) of the clean air act, IN area A, AREA B or AND ANY~~ other  
31 geographical area as provided in subsection I of this section, an owner or  
32 operator of a gasoline dispensing site shall not transfer or allow the  
33 transfer of gasoline into a motor vehicle fuel tank at a gasoline dispensing  
34 site unless the gasoline dispensing site is equipped with a stage II vapor  
35 collection system. This subsection does not apply to gasoline dispensing  
36 sites with a throughput of less than ten thousand gallons per month, or to a  
37 gasoline dispensing site with a throughput of less than fifty thousand  
38 gallons per month in the case of an independent small business marketer of  
39 gasoline as defined in section 324 of the clean air act or to a gasoline  
40 dispensing site that is located on a manufacturer's proving ground.  
41 Beginning on January 1, 2001, this subsection applies to gasoline dispensing  
42 sites that are located within area A but outside the Phoenix area Maricopa  
43 county ozone nonattainment area as defined in 40 Code of Federal Regulations  
44 section 81.303.

1 D. An owner or operator of a gasoline storage tank, gasoline transport  
2 vehicle or gasoline dispensing site subject to stage I or stage II vapor  
3 collection requirements shall comply with the following:

4 1. Install all necessary stage I and stage II vapor collection and  
5 control systems and make any modifications necessary to comply with the  
6 requirements.

7 2. Provide adequate training and written instructions to the operator  
8 of the affected gasoline dispensing site and the gasoline transport vehicle.

9 3. Replace, repair or modify any worn or ineffective component or  
10 design element to ensure the vapor-tight integrity and efficiency of the  
11 stage I and stage II vapor collection systems.

12 4. Connect and ensure proper operation of the stage I and stage II  
13 vapor collection systems whenever gasoline is being loaded, unloaded or  
14 dispensed.

15 E. Before the initial installation or modification of any stage I or  
16 stage II recovery system, the owner or operator of a gasoline storage tank,  
17 gasoline transport vehicle or gasoline dispensing site shall obtain a plan  
18 review and approval from the department. Application for the plan review and  
19 approval shall be on forms prescribed and provided by the department.

20 F. The operator of each gasoline dispensing site using a stage II  
21 vapor recovery system shall conspicuously post operating instructions for the  
22 system in the gasoline or oxygenated fuel dispensing area. The instructions  
23 shall clearly describe how to fuel vehicles correctly with the vapor recovery  
24 nozzles used at the station and shall include a warning that topping off may  
25 result in spillage or recirculation of gasoline or oxygenated fuel and is  
26 prohibited.

27 G. The department of weights and measures in consultation with the  
28 department of environmental quality and the state fire marshal shall  
29 establish by rule standards for the installation and operation of stage I and  
30 stage II vapor recovery systems. The department of weights and measures  
31 shall establish by rule plan review and approval fees. In establishing those  
32 rules and standards, the director shall consider requirements in other states  
33 to assure that only state of the art technology is used.

34 H. Approval of a stage I or stage II vapor collection system by the  
35 department does not relieve the owner or operator of the responsibility to  
36 comply with other applicable statutes, codes and rules pertaining to fire  
37 prevention, environmental quality and safety matters.

38 I. Any county, city or town outside an ozone nonattainment area  
39 designated as moderate, serious or severe by the environmental protection  
40 agency under section 107(d) of the clean air act or outside of area A as  
41 defined in section 49-541 may require gasoline dispensing sites with a  
42 throughput greater than ten thousand gallons per month or fifty thousand  
43 gallons per month in the case of an independent small business marketer of  
44 gasoline as defined in section 324 of the clean air act to install, operate  
45 and maintain stage II vapor collection systems in accordance with this

1 section. For a county, city or town considering the adoption of a resolution  
2 to require stage II vapor collection systems within its jurisdiction and on  
3 request, the department of environmental quality shall provide technical  
4 assistance in evaluating the air quality in that county, city or town and  
5 shall provide final review and approval of an adopted resolution.

6 J. A county board of supervisors or governing body of a city or town  
7 shall submit a resolution approved by the department of environmental quality  
8 to the director of the department of weights and measures requesting the  
9 imposition of the requirements for stage II vapor collection systems within  
10 its jurisdiction.

11 K. The director shall adopt, by rule, compliance schedules for  
12 gasoline dispensing sites located within the jurisdiction requesting stage II  
13 vapor collection system requirements no later than twelve months after  
14 receipt of the resolution from the county board of supervisors or governing  
15 board of a city or town. All gasoline dispensing sites other than those that  
16 are exempt pursuant to subsection C of this section shall be required to  
17 comply with stage II vapor collection system rules within twenty-four months  
18 after the rules have been filed with the secretary of state.

19 L. A county board of supervisors or governing body of a city or town  
20 that adopts the requirements for stage II vapor collection systems may repeal  
21 those requirements by adopting a resolution to remove the imposition of those  
22 requirements within its jurisdiction unless the county, city or town is in an  
23 ozone nonattainment area that has since been designated as moderate, serious  
24 or severe by the United States environmental protection agency under section  
25 107(d) of the clean air act. On receipt of the resolution, the director of  
26 the department of weights and measures shall consult with the director of the  
27 department of environmental quality to verify that a county, city or town is  
28 outside of an ozone nonattainment area designated as moderate, serious or  
29 severe by the United States environmental protection agency under section  
30 107(d) of the clean air act. After consultation with the department of  
31 environmental quality, the director of the department of weights and measures  
32 shall revise the rules to repeal the requirements for stage II vapor  
33 collection systems within that jurisdiction as soon as practicable.