

## 1100 Air Quality Management Section

### 1124 Control of Volatile Organic Compound Emissions

#### 36.0 ~~Stage II Vapor Recovery~~ Vapor Emission Control at Gasoline Dispensing Facilities

04/11/2002 xx/11/2015

##### 36.1 Applicability

36.1.1 The provisions of 36.0 of this regulation ~~applies~~ apply to any gasoline dispensing facility located in the State of Delaware, except:

36.1.1.1 Any gasoline dispensing facility, which never has a monthly throughput of greater than 10,000 gallons of gasoline, shall be subject only to the requirements of ~~36.5.2~~ 36.7.2 of this regulation. Any gasoline dispensing facility that ever exceeds this throughput shall be subject to all of the requirements of 36.0 of this regulation, and shall remain subject to these requirements even if its throughput later falls below the exemption throughput.

36.1.1.2 Any gasoline dispensing facility that is used exclusively for refueling marine vehicles, aircraft, farm equipment, or emergency vehicles.

36.1.2 ~~On and after May 1, 2003, the~~ The requirements of ~~36.6~~ 36.8 of this regulation apply to any owner or operator of any company that performs compliance testing ~~of Stage II Systems at gasoline dispensing facilities~~ within the State of Delaware.

36.1.3 The requirements of 36.0 of this regulation are in addition to all other State and Federal requirements, to include the Clean Air Act requirements in 40 CFR 80.22(j) and the permitting requirements of 7 DE Admin Code 1102. Any gasoline dispensing facility that is currently subject to ~~any-state or federal~~ State or Federal rule promulgated pursuant to the Clean Air Act Amendments of 1977 by exceeding an applicability threshold is and shall remain subject to those provisions.

##### 36.1.4 Compliance Schedule

Any gasoline dispensing facility subject to the requirements of 36.0 of this regulation shall be in compliance as follows: ~~Any facility that first commences operations:~~

36.1.4.1 Any new facility that first commences construction on or after the effective date of this revision of 36.0 of this regulation, or any facility that decommissions its Stage II vapor recovery system, shall do one of the following.

36.1.4.1.1 Comply with 36.4.2 and all other applicable requirements of 36.0 of this regulation, or

36.1.4.1.2 Participate in a trial to demonstrate whether or not a continuous pressure monitoring (CPM) system is able to accurately identify system leaks and times when emissions are being vented from the pressure/vacuum valve, by complying with 36.4.3 and all other applicable requirements of this regulation. Failure to demonstrate compliance with any of the requirements of this regulation due to fault or failure of the CPM system shall not constitute a violation of this regulation. The trial period is for a minimum period of one

year. Upon completion of the trial period any participating station has the option to either continue to comply with 36.4.3 or to comply with 36.4.2 of this regulation.

~~Before November 15, 1990 and that has any throughput of greater than 10,000 gallons but less than 100,000 gallons: by November 15, 1994 for facilities located in New Castle and Kent Counties, and by November 15, 1996 for facilities located in Sussex County.~~

36.1.4.2 An owner or operator of any modified facility may decommission its Stage II vapor recovery system pursuant to the procedures in 36.9 of this regulation on or after the effective date of this revision of 36.0 of this regulation.

~~Before November 15, 1990 and that has any throughput of at least 100,000 gallons: by November 15, 1993 for facilities located in New Castle and Kent Counties, and by November 15, 1995 for facilities located in Sussex County.~~

36.1.4.3 Any facility not identified in 36.1.4.1 of this regulation shall comply with 36.3 and all other applicable requirements of 36.0 of this regulation.

~~On or after November 15, 1990 and before January 11, 1993: by May 15, 1993 for facilities located in New Castle and Kent Counties, and by May 15, 1995 for facilities located in Sussex County.~~

~~36.1.4.4 On or after January 11, 1993: upon commencement of operations.~~

~~36.1.5 Any Stage II vapor recovery system installed prior to November 15, 1992, and using dual vapor recovery hoses (not coaxial) shall be retrofitted with coaxial hoses no later than January 1, 1994, or upon any vapor system modification, whichever is first. Any system installed after November 15, 1992 shall be equipped with coaxial hoses.~~

~~36.1.6 Remote vapor check valves in balance type systems installed prior to November 15, 1992, shall be retrofitted with check valves located in the nozzle no later than January 1, 1994, or upon any vapor system modification, whichever is first. Any system installed after November 15, 1992 shall be equipped with remote check valves located in the nozzle.~~

## 36.2 Definitions

Terms being defined in 36.2 of this regulation are used exclusively for 36.0 of this regulation. Other terms not defined herein shall have meanings defined in the Clean Air Act Amendments of 1990 (CAA), 7 DE Admin Code 1101, or 2.0 of this regulation.

**“Assist System”** means a system that creates a vacuum to assist the movement of vapors back into the storage tank.

**“Balance System”** means a system where pressure develops in the vehicle tank during fueling operations, and vacuum in the storage tank created when the fuel is removed, forces displaced vapors out the vehicle tank and back into the storage tank.

“Modified Facility” means a facility that: (1) excavates below a shear valve or tank pad in order to repair or replace its Stage II system or an underground storage tank; or (2) undergoes a major system modification consisting of the replacement, repair or upgrade of at

least 50% of a facility's Stage II vapor recovery system which includes dispensers, vapor return piping, and product piping.

"New Facility" means a facility that begins dispensing fuel for the first time.

"Pressure/Vacuum Valve" or "P/V Valve" means a relief valve installed on the vent stack of a tank system that is designed to open at specific pressure and vacuum settings to protect the system from excessive pressure or vacuum.

"Tank System" means a storage tank or a set of manifolded storage tanks containing gasoline.

"Ullage" means the empty volume of a gasoline storage tank system that contains liquid gasoline. Ullage is expressed as accumulated gallons of empty volume for all of the gasoline storage tanks in a manifolded system.

### 36.3 Standards for Facilities with Stage II Vapor Recovery Systems

36.3.1 The owner or operator of any gasoline dispensing facility ~~subject to the requirements of 36.0~~ identified in 36.1.4.3 of this regulation shall:

36.3.1.1 Design, install, operate, and maintain one of the Stage II Vapor Recovery Systems identified in ~~36.7~~ 36.10.1 of this regulation.

36.3.1.2 For systems with manifolded vapor lines, the liquid shall return into the lowest octane tank. For non-manifolded systems with separate vapor lines, the liquid shall return to the tank that has the same product as is dispensed at the nozzle where the liquid was introduced into the vapor lines.

36.3.1.3 ~~On and after May 1, 2003, install~~ Install and maintain a vapor shear valve that functions similarly to the product shear valve.

36.3.1.4 Conspicuously post "Operating Instructions" on both sides of each gasoline dispenser. Such instructions shall include:

36.3.1.4.1 A clear description of how to correctly dispense gasoline.

36.3.1.4.2 A warning that repeated attempts to continue dispensing gasoline, after the system has indicated that the vehicle fuel tank is full (by automatically shutting off), may result in spillage or recirculation of gasoline.

36.3.1.4.3 A toll-free telephone number to report problems experienced with the vapor recovery system to the Department.

36.3.2 At least one representative (an owner, facility manager, or designated employee) from each facility, or facilities under common ownership, shall attend a training program on the operation and maintenance requirements of the Stage II equipment that is selected for installation or installed on their facility premises. Acceptable forms of training include equipment manufacturer's seminars, classes or workshops, or any other training approved by the Department.

- 36.3.2.1 Verification, such as a certificate of attendance from the training program, shall be obtained by the attendee within three months of the installation of the Stage II system. The certificate shall display the name of the person who completed the training program.
- 36.3.2.2 The representative that completed the training program is then responsible for informing all facility employees about conducting routine maintenance pursuant to 36.3.3 of this regulation and about the operation and maintenance of the Stage II system. The representative shall maintain proof of training for all employees who will be conducting daily inspections. If such representative leaves that facility, or the company owning several facilities, another representative shall take and successfully complete the training within three months.
- 36.3.2.3 Training shall include, but not be limited to, the following subjects:
  - 36.3.2.3.1 Purposes and effects of the Stage II Vapor Control Program.
  - 36.3.2.3.2 Equipment operation and function specific to their facility's equipment.
  - 36.3.2.3.3 Maintenance schedules and requirements for the facility's equipment.
  - 36.3.2.3.4 Equipment warranties.
  - 36.3.2.3.5 Equipment manufacturer contracts (names, addresses, and phone numbers) for parts and service.
- 36.3.3 Each day personnel trained pursuant to 36.3.2 of this regulation shall perform routine maintenance inspections and record the inspection results.
  - 36.3.3.1 Such inspections shall consist of, but not limited to, inspection of the Stage II system for the following defects:
    - 36.3.3.1.1 A faceplate or face cone of a balance or assist system nozzle that does not make a good seal with a vehicle fill tube, or the accumulated damage to the faceplate or face cone is over 25% of its surface.
    - 36.3.3.1.2 A vapor assist system nozzle fitted with an efficiency compliance device that is damaged over 25% of its' surface.
    - 36.3.3.1.3 A nozzle bellows with a triangular tear measuring ½ inch or more to a side, a hole measuring ½ inch or more in diameter, or a slit or tear measuring one inch or more in length.
    - 36.3.3.1.4 A nozzle bellows or efficiency compliance device that is loosely attached to the nozzle body, not attached by a manufacturer approved method, or a vapor check valve frozen in the open position.
    - 36.3.3.1.5 A nozzle liquid shutoff mechanism that malfunctions in any manner, where the spring or latching knurl is damaged or missing.
    - 36.3.3.1.6 A nozzle with a vapor check valve that is defective, or a hose with a disconnected or damaged breakaway.

- 36.3.3.1.7 A vapor assist system nozzle spout that is damaged and the vapor collection holes are obstructed.
  - 36.3.3.1.8 A dispenser mounted vacuum pump that is not functioning.
  - 36.3.3.1.9 A vacuum assist system with a central vacuum unit or vapor processing unit that is inoperative.
  - 36.3.3.1.10 A hose retractor that does not fully retract.
  - 36.3.3.1.11 Any other component required by the Department for use in the system that is missing, disconnected, or malfunctioning.
- 36.3.3.2 The owner or operator shall post "Out of Order" signs and "Bag-out" the nozzle associated with any part of the defective vapor recovery system until said system has been repaired or replaced.

#### 36.4 Standards for Facilities without Stage II Vapor Recovery Systems

36.4.1 The owner or operator of any gasoline dispensing facility identified in 36.1.4.1 of this regulation shall design, install, operate, and maintain one of the Stage I vapor recovery systems identified in 36.10.2 of this regulation.

#### 36.4.2. Requirements for facilities not participating in the CPM trial.

36.4.2.1 The owner or operator of any gasoline dispensing facility identified in 36.1.4.1.1 of this regulation shall conduct a monthly inspection of the Stage I EVR systems to monitor the condition of all Stage I components. The inspection shall include at a minimum the following:

36.4.2.1.1 Check fill and Stage I swivel adapters to be sure they are tightly sealed.

36.4.2.1.2 Visually inspect Stage I dry breaks to be sure they are tightly sealed.

36.4.2.1.3 Check ATG caps to be sure they are tightly sealed and that the associated electrical grommets and vent extractor caps are in good working order.

36.4.2.1.4 Visually inspect the Riser and P/V valve and cap for damage visible from the ground level.

36.4.2.2 Any components found to be in need of repair shall be repaired as soon as possible but before the next scheduled inspection.

#### 36.4.3 Requirements for facilities participating in the CPM trial.

36.4.3.1 The owner or operator of any gasoline dispensing facility identified in 36.1.4.1.2 of this regulation shall maintain the tank system at a vapor leak rate less than two times the rate allowed in accordance with California Air Resources Board (CARB) Vapor Recovery Test Procedure TP-201.3, "Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities", dated July 26, 2012, hereby incorporated by reference, and

demonstrated in accordance with monitoring requirements in 36.5 of this regulation. Equation 9-2 with N=1-6 from TP-201.3 shall be used for the determination.

36.4.3.2 The owner or operator of any gasoline dispensing facility identified in 36.1.4.1.2 of this regulation shall identify the percentage of time the tank system pressure is greater than 0.5 inches water column below the positive cracking pressure of the P/V valve, on a weekly basis, demonstrated in accordance with monitoring requirements in 36.5 of this regulation. The P/V valve positive cracking pressure shall be determined by the testing requirement in 36.6.2.1.3 of this regulation.

36.4.4 Enhanced conventional nozzles: Reserved.

36.4.5 Dispensing hose requirements: Reserved.

36.4.6 Any facility subject to 36.4 of this regulation shall meet the following posting and maintenance inspecting requirements.

36.4.6.1 Posting. Conspicuously post "Operating Instructions" on both sides of each gasoline dispenser. Such instructions shall include:

36.4.6.1.1 A clear description of how to correctly dispense gasoline.

36.4.6.1.2 A warning that repeated attempts to continue dispensing gasoline, after the system has indicated that the vehicle fuel tank is full (by automatically shutting off), may result in spillage.

36.4.6.1.3 A toll-free telephone number to report problems experienced with the gasoline dispensing system to the Department.

36.4.6.1.4 The owner or operator shall post "Out of Order" signs and "bag-out" the nozzle associated with any part of the defective gasoline dispensing system until said system has been repaired or replaced.

36.4.6.2 Each day personnel shall perform daily routine maintenance inspections and record the inspection results. Such inspections shall consist of, but not limited to, inspection of the dispensing systems for the following defects:

36.4.6.2.1 A nozzle liquid shutoff mechanism that malfunctions in any manner, where the spring or latching knurl is damaged or missing.

36.4.6.2.2 A hose with a disconnected or damaged breakaway.

36.4.6.2.3 A hose retractor that does not fully retract.

36.4.6.2.4 Any other component required by the Department for use in the dispensing system that is missing, disconnected, or malfunctioning.

36.5 Monitoring Requirements and Corrective Action

36.5.1 The owner or operator of any gasoline dispensing facility identified in 36.1.4.1.2 of this regulation shall design, install, operate, and maintain a continuous pressure monitoring (CPM) system as identified in Exhibit 1 Section II, Exhibit 2 Section II, and Exhibit 3 Section II of CARB Executive Order VR-202-R, dated December 8, 2014, hereby incorporated by reference, to include a console, leak detection software, a vapor pressure sensor, and an automatic tank gauge, in accordance with the following. A vapor flow meter for each dispenser is not required. The owner or operator of any gasoline dispensing facility may petition the Department to allow the use of any other CPM system that has been certified by CARB as being equivalent to the systems identified in CARB Executive Order VR-202-R, and the Department may allow such system on a case-by-case basis.

36.5.1.1 The CPM system shall be operational a minimum of 95% of the time on a monthly basis and shall calculate and record the percentage of CPM operational time.

36.5.1.2 The CPM system shall be capable of assessing the vapor leak rate from the tank system at any working ullage pressure, both positive and negative.

36.5.2 The CPM system shall assess, on a weekly basis, the tank system vapor leak rate and pressure.

36.5.3 When the tank system vapor leak rate fails the requirement specified in 36.4.3.1 of this regulation, then:

36.5.3.1 The CPM system shall activate a warning alarm, and record the event. The owner or operator shall correct the excessive vapor leak rate within one week of the alarm, and reset the CPM system once the correction has been made.

36.5.3.2 Following a corrective action pursuant to 36.5.3.1 of this regulation, the CPM system shall recommence monitoring the tank system. If within one week the tank system again fails to meet the requirements of 36.4.3.1 of this regulation the CPM shall activate a second warning alarm and record the event. Following the second warning alarm, the owner or operator shall use a certified compliance testing company or a certified underground storage tank retrofit/installation company to correct the excessive vapor leak.

#### 36.6 ~~36.4~~ Testing Requirements

36.6.14.1 Any gasoline dispensing facility subject to the requirements of ~~36.3.4.1~~ of this regulation shall perform and pass the following tests in accordance with the test methods and procedures stated, or as otherwise approved by the Department and ~~the Administrator of the~~ EPA. Where any of the following test methods and procedures, in the opinion of the Department, conflict or are redundant with those specified in any CARB Executive Order adopted by reference in ~~36.107~~ of this regulation, the following test methods and procedures shall apply.

36.6.1.1.4.1.4 The following tests shall be performed and passed within 10 days of installation of the Stage II vapor recovery system:

36.6.1.1.14.1.4.1.4 A Pressure Decay/Leak Test, conducted in accordance with Test Procedure TP-96-1 of the San Diego Protocol, Revision III dated 3-1-96. This test procedure is hereby incorporated by reference.

~~36.6.1.1.24.1.1.2~~ A Dynamic Backpressure and Liquid Blockage Test, conducted in accordance with the procedures in "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites, PEI/RP300-97", Chapter 8. This test procedure is hereby incorporated by reference.

~~36.6.1.1.34.1.1.3~~ For assist systems, an Air to Liquid Volume Ratio Test conducted in accordance with the procedures in "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites, PEI/RP300-97", Chapter 9. This test procedure is hereby incorporated by reference.

~~36.6.1.1.44.1.1.4~~ A Vapor Tie Test, conducted in accordance with Test Procedure TP-96-1 of the San Diego Protocol, Revision III dated 3-1-96. This test procedure is hereby incorporated by reference.

~~36.6.1.24.1.2~~ The following tests shall be performed and passed annually for each Stage II vapor recovery system according to the test procedures stated in ~~36.6.1.14.1.1~~ of this regulation:

~~36.6.1.2.14.1.2.1~~ A Pressure Decay/Leak Test, as specified in 36.6.1.1.1 of this regulation.

~~36.6.1.2.24.1.2.2~~ For Balance Systems, A Dynamic Backpressure and Liquid Blockage Test as specified in 36.1.1.2 of this regulation.

~~36.6.1.2.34.1.2.3~~ For Assist Systems, An Air to Liquid Volume Ratio Test as specified in 36.1.1.3 of this regulation.

~~36.6.1.34.1.3~~ Any additional testing ~~or testings~~ required by the Department or the manufacturer shall be carried out according to the schedule stated in any permit issued pursuant to 7 **DE Admin Code** 1102.

36.6.2 Any gasoline dispensing facility subject to the requirements of 36.4 of this regulation shall perform and pass the following tests in accordance with the test methods and procedures stated, or as otherwise approved by the Department and EPA.

36.6.2.1 The following tests shall be performed and passed within 10 days of installation of the Stage I EVR system:

36.6.2.1.1 A Pressure Decay/Leak Test, conducted in accordance with Test Procedure TP-96-1 of the San Diego Protocol, Revision III dated 3-1-96. This test procedure is hereby incorporated by reference.

36.6.2.1.2 A Vapor Tie Test, conducted in accordance with Test Procedure TP-96-1 of the San Diego Protocol, Revision III dated 3-1-96. This test procedure is hereby incorporated by reference.

36.6.2.1.3 A P/V Valve Leak Rate and Cracking Pressure Test, conducted in accordance with CARB Test Procedure TP-201.1E dated October 8, 2003. This test procedure is hereby incorporated by reference.



36.6.2.1.4 For facilities subject to 46.4.3, an operability test of the CPM system in accordance with Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order VR-202-R, dated December 8, 2014, hereby incorporated by reference.

36.6.2.2 The CPM system operability test, as specified in 36.6.2.1.4 of this regulation, shall be performed and passed every three years after the CPM system is installed.

36.6.2.3 Owners and Operators subject to 36.4.2 shall conduct an annual pressure decay test (without any corrective action taken before or during the test on the day of the test) and a P/V valve test, as specified in 36.6.2.1.1 and 36.6.2.1.3 of this regulation, respectively. If the annual test is failed (meaning corrective action was needed on the day of the test), quarterly testing shall be required, and annual testing shall resume upon the passing of four consecutive quarterly tests.

36.6.34.2 The Department may require the performance of any of the tests identified in 36.6.14.4 or 36.6.2 of this regulation at any time at the owner's expense.

36.6.44.3 Written notification shall be submitted to the Department not less than 10 working days prior to the performance of any compliance test, unless approval by the Department is granted to the contrary.

36.6.54.4 The owner or operator or both and test contractor shall report all test failures to the Department within 24 hours of the failure.

36.6.64.5 The owner or operator shall submit the following to the Department within 30 days of the test date:

36.6.6.14.5.1 the actual test date; and

36.6.6.24.5.2 the installing or testing companies' company's name or names, address or addresses, and phone number or numbers; and

36.6.6.34.5.3 if any corrective action was performed pursuant to 36.8.4.26.4.2 of this regulation then submit all information specified in 36.8.46.4 of this regulation.

#### 36.75 Recordkeeping and Reporting

36.7.15.4 The owner or operator of a gasoline dispensing facility subject to the requirements of 36.0 of this regulation shall keep on the facility premises and in a form acceptable to the Department, all of the following information. This information shall be retained for at least three years from the date of record and shall be made immediately available to the Department upon request.

36.7.1.15.4.1 Permits and Applications. Copies of the Stage I and Stage II System permit applications and the current Construction/Operation Permits shall be permanently maintained.

36.7.1.25.4.2 Installation and Testing Results. The test results shall be dated, and shall note the installing and test companies' names, addresses, and phone numbers. These records shall be kept on file until they are replaced with new test results verifying proper functioning of the Stage I and Stage II systems, as applicable.

~~36.7.1.35.1.3~~ Maintenance Records. Any maintenance conducted on any part of the Stage I or Stage II vapor recovery system shall be logged on a maintenance record. This maintenance record shall include a general part description, the date repaired or replaced, the replacement part manufacturer's information, and a description of the problem and solution.

~~36.7.1.45.1.4~~ Inspection Records. A file shall be maintained of all daily and monthly inspection reports, as applicable, including records of daily self-inspections, and any third party inspection records.

36.7.1.5 The CPM system shall generate a daily report which includes the following:

36.7.1.5.1 CPM system operational time as a percentage;

36.7.1.5.2 Percentage of time the tank system pressure is above atmospheric pressure;

36.7.1.5.3 Percentage of time the tank system pressure is at or above 0.5 inches water column below the positive cracking pressure of the P/V valve.

36.7.1.6 The CPM system shall generate a monthly report which includes the following:

36.7.1.6.1 CPM system operational time as a percentage;

36.7.1.6.2 Percentage of time the tank system pressure is above atmospheric pressure;

36.7.1.6.3 Percentage of time the tank system pressure is at or above 0.5 inches water column below the positive cracking pressure of the P/V valve; and

36.7.1.6.4 Warnings, including the date and time of each warning.

~~36.7.1.75.1.5~~ Compliance Records. A file shall be maintained of all compliance records. This record shall include:

~~36.7.1.7.15.1.5.4~~ Any warning letters and notices of violations issued by the Department to the facility, the facility's responses and actions to the Department's warning or notice of violation, the facility's report of compliance to the Department after the facility's actions, and the Department's approval of compliance.

36.7.1.7.2 Daily and monthly CPM reports shall be available for printing and electronic download at the facility, and be made available to the Department upon request. Daily reports shall be available for the previous 12 months. Monthly reports shall be available for the previous 36 months.

36.7.1.7.3 The CPM system shall store the electronic records of the daily and monthly reports, such that the records are maintained despite loss of power to the CPM system.

~~36.7.1.7.45.1.5.2~~ Proof of attendance and completion of a training program for each person trained in accordance with ~~36.3.2.2~~ of this regulation. This does not apply to the records of an employee who is no longer in service for at least one year.

~~36.7.25-2~~ Any gasoline dispensing facility exempted from the requirements of 36.0 of this regulation pursuant to 36.1.1.1 of this regulation shall maintain records of monthly throughput, and shall furnish these records to the Department upon request. These records shall be maintained on file for a minimum of three years from the date of record.

~~36.7.35-3~~ The owner or operator, or both, of any facility containing sources subject to 36.0 of this regulation shall comply with the requirements of 5.0 of this regulation.

#### 36.86 Compliance Testing Company Requirements

~~36.8.16-1~~ Any owner or operator, or both, of any company that performs ~~Stage II~~ compliance testing pursuant to 36.6.1 or 36.6.2 of this regulation within the State of Delaware shall submit all of the following information to the Department, prior to performing any ~~Stage II~~ compliance testing within the State of Delaware:

~~36.8.1.16-1.1~~ The name and business mailing address of the ~~Stage II~~ compliance testing company owner or operator;

~~36.8.1.26-1.2~~ The address and telephone number of the facility or facilities from which the daily compliance testing activities of the compliance testing company originate;

~~36.8.1.36-1.3~~ A written description of the employee training systems in place at the compliance testing company to ensure required compliance tests are performed in accordance with applicable protocols and procedures.

~~36.8.1.46-1.4~~ Certification by an individual who is a responsible and trained representative of the compliance testing company containing the following language verbatim:

~~36.8.1.4.16-1.4.1~~ I certify that I personally examined and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and

~~36.8.1.4.26-1.4.2~~ Employee training systems are in place at the company to ensure ~~Stage II~~ compliance tests are performed in accordance with all applicable protocols and procedures; and

~~36.8.1.4.36-1.4.3~~ I am fully authorized to make this attestation on behalf of this ~~Stage II~~ Compliance Testing Company.

~~36.8.26-2~~ Any company subject to the requirements of 36.86 of this regulation shall notify the Department in writing of any change to any information submitted to the Department within 14 days of the effective date of such change.

~~36.8.36-3~~ No person subject to the requirements of 36.86 of this regulation shall perform any ~~Stage II~~ compliance test unless said person has first been trained in accordance to applicable compliance test protocols and procedures.

~~36.8.46-4~~ Any person subject to 36.86 of this regulation shall certify to the owner or operator of the gasoline dispensing facility that each compliance test performed to meet the requirements of ~~36.0~~ 36.3 and 36.4 of this regulation was performed in accordance with 36.64 of this regulation. Certification shall include:

~~36.8.4.16.4.1~~ The date each compliance test was first performed and the test results; and

~~36.8.4.26.4.2~~ An itemized list of all corrective action performed on the Stage II system. This list shall include, but not be limited to, component re-installation, tightening, repair or replacement, as necessary, for the system to pass the applicable test or tests; and

~~36.8.4.36.4.3~~ The date each compliance test was performed and passed; and

~~36.8.4.46.4.4~~ Certification by a responsible and trained representative or representatives of the compliance testing company containing the following language verbatim:

~~36.8.4.4.16.4.4.1~~ I certify that I personally examined and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and

~~36.8.4.4.26.4.4.2~~ I am fully authorized to make this attestation on behalf of this ~~Stage II~~ Compliance Testing Company.

### 36.9 Stage II Decommissioning Procedures

36.9.1 The owner or operator of a gasoline dispensing facility shall decommission the Stage II vapor recovery system in accordance with all of the procedures specified in Chapter 14, except Section 14.6.14, of the Petroleum Equipment Institute's (PEI) "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites", PEI/RP300-09, which is hereby incorporated by reference.

36.9.2 On or after the effective date of this regulation, any site that has decommissioned a Stage II Vapor Recovery System shall cap the vapor return line at the tank top if accessible at the time of decommissioning, per PEI RP300-09. If not accessible at the time of decommissioning, the vapor return line shall be capped when a replacement or repair of the underground storage tank system or associated piping/components involves breaking concrete on top of the tank where the vapor return line terminates or when a pressure decay test indicates a problem with the vapor return line. As part of the decommissioning process additional UST system testing may be required such as performing hydrostatic testing of sumps and line tightness testing of product lines, and ensuring non-vapor recovery nozzles have a flow rate of less than 10 GPM pursuant to Part B, Section 1.28 of the Delaware Regulations Governing Underground Storage Tanks, governing repair, upgrade, and retrofit requirements.

36.9.3 Decommissioning procedures shall be performed only by Stage II vapor recovery system installers certified in the State of Delaware.

### 36.10~~7~~ Approved Stage II Vapor Recovery Systems

The following California Air Resources Board (CARB) executive orders are hereby adopted by reference.

#### 36.10.1 Stage II Vapor Recovery Systems

<b>Number &amp; Date</b>	<b>Description</b>
G-70-7-AD (03/22/93)	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System.
G-70-14-AA (02/08/83)	Recertification of Red Jacket Aspirator Assist Phase II Vapor Recovery System.
G-70-17-AD (05/06/93)	Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System.
G-70-18-C (08/28/79)	Modification of Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System.
G-70-23-AC (04/29/96)	Recertification of the Exxon Balance Phase II Vapor Recovery System.
G-70-25-AA (02/08/83)	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System.
G-70-33-AB (03/09/84)	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System.
G-70-36-AD (09/18/92)	Modification of Certification of the OPW Balance Phase II Vapor Recovery System.
G-70-37-B (01/22/80)	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW nozzles for Service.
G-70-38-AB (12/19/90)	Recertification of the Texaco Balance Phase II Vapor Recovery System.
G-70-48-AA (02/08/83)	Recertification of the Mobil Oil Balance Phase II Vapor Recovery System.
G-70-49-AA (02/08/83)	Recertification of the Union Balance Phase II Vapor Recovery System.
G-70-52-AM (10/04/91)	Certification of Components for Red Jacket, Hirt and Balance Phase II Vapor Recovery System.
G-70-53-AA (02/08/83)	Recertification of the Chevron Balance Phase II Vapor Recovery System.
G-70-70-AC (06/23/92)	Certification of the Healy Phase II Vapor Recovery System of Service Stations.

G-70-77 (09/15/82)	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System.
G-70-78 (05/20/83)	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components.
G-70-101-B (11/15/85)	Certification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11 VC and 11 VE Vapor Recovery Nozzles.
G-70-107 (05/15/86)	Certification of Rainbow Petroleum Products Model RA3003, RA3005, RA3006 and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components.
G-70-110 (01/20/87)	Certification of Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities.
G-70-118-AB (03/31/95)	Certification of Amoco V-1 Vapor Recovery System.
G-70-125-AA (03/16/93)	Modification of the Certification of the Husky Model V Phase II Balance Vapor Recovery Nozzle.
G-70-127 (08/16/90)	Certification of the OPW Model 111-V Phase Vapor Recovery Nozzle.
G-70-134 (12/21/90)	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery System.
G-70-139 (03/17/92)	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System.
G-70-150-AE (07/12/00)	Modification of the Certification of the Gilbarco Vapor Vac Phase II Vapor Recovery System.
G-70-153-AD (04/03/00)	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System.
G-70-154-AA (06/10/97)	Modification to the Certification of the Tokheim MaxVac Phase II Vapor Recovery System.
G-70-159-AB (07/17/95)	Modification of the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System.
G-70-163-AA (09/04/96)	Certification of the OPW VaporEZ Phase II Vapor Recovery System.
G-70-164-AA (12/10/96)	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System.

G-70-165 (04/20/95)	Healy Vacuum Assist Phase II Vapor Recovery System.
G-70-169-AA (08/11/97)	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System.
G-70-170 (02/22/96)	Certification of the EZ-flo Rebuilt 5005 and 5015 for use with the Balance Phase II Vapor Recovery System.
G-70-177-AA (06/22/00)	Certification of the VCS400-7 Vacuum Assist Phase II Vapor Recovery System.
G-70-179 (07/02/97)	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System.
G-70-180 (04/17/97)	Order Revoking Certification of the Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Systems.
G-70-183 (03/04/98)	Certification of the Healy/Franklin Vacuum Assist Phase II Vapor Recovery System.
G-70-186 (10/26/98)	Certification of the Healy Model 400 ORVR Vapor Recovery System.
G-70-188 (05/18/99)	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System.
G-70-191 (08/08/99)	Healy/Franklin VP-1000 Vapor Pump Phase II Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System).
G-70-196 (12/30/00)	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System.

### 36.10.2 Stage I Vapor Recovery Systems

<b><u>Number</u></b>	<b><u>Description</u></b>	<b><u>Date</u></b>
<u>VR-101-N</u>	<u>Phil-Tite Phase I Vapor Recovery System</u>	<u>June 8, 2013</u>
<u>VR-102-O</u>	<u>OPW Phase I Vapor Recovery System</u>	<u>October 3, 2014</u>
<u>VR-103-G</u>	<u>EBW Phase I Vapor Recovery System</u>	<u>June 3, 2013</u>
<u>VR-104-G</u>	<u>CNI Manufacturing Phase I Vapor Recovery System</u>	<u>June 8, 2013</u>

<u>VR-105-D</u>	<u>EMCO Wheaton Retail Phase I Vapor Recovery</u>	<u>August 27, 2014</u>
<u>VR-401-D</u>	<u>OPW Phase I EVR System for ASTs</u>	<u>May 12, 2014</u>
<u>VR-402-B</u>	<u>Morrison Brothers Phase I EVR System for ASTs</u>	<u>April 15, 2013</u>