

Phase-out of Stage II Vapor Recovery

Statutory Change: During 2009, Vermont passed a new law (Act 22 that adds 10 V.S.A. §583) that makes a number of significant changes to the Agency of Natural Resources' requirements concerning Stage II vapor recovery controls at gasoline dispensing facilities (GDFs).

Details of the New Law: Listed below are the most significant provisions of the new law:

- 1) Effective January 1, 2013, the Stage II vapor recovery regulations for GDFs are repealed, and GDFs equipped with Stage II systems can discontinue use of their systems at that time.
- 2) Prior to January 1, 2013, a GDF that meets either of the following criteria does not need to install Stage II vapor recovery controls:
 - a. A newly constructed GDF that begins operation after May 1, 2009.
 - b. An existing GDF that has an annual gasoline throughput of 400,000 gallons or more for the first time beginning with the 2009 calendar year.
- 3) GDFs currently equipped with Stage II vapor recovery controls can discontinue use of their Stage II systems prior to January 1, 2013 if they meet either of the following criteria:
 - a. Subject to verification and approval by the Agency, an existing GDF that, after May 1, 2009, conducts excavation for the installation or repair of any below-ground component of the Stage II vapor recovery system, including gasoline storage tanks.
 - This exemption applies where the excavation is to repair a vapor leak in underground vapor recovery piping or where excavation to the top of the underground storage tank is required to install a component or repair a tank top fitting. For example, replacement of a submersible pump sump would qualify to exempt a GDF from the Stage II regulation; however, repair of a vapor leak in the vent line at a location away from the tank top would not.
 - This exemption also applies where a GDF is undergoing modification or reconstruction involving excavation such that the existing vapor recovery piping would need to be replaced.
 - If the owner of a GDF believes that excavation work planned for a GDF would qualify that facility to be exempt from the Stage II regulation, the owner must document the planned work to the Agency. The Agency has prepared a [checklist](#) that can be used to describe the proposed work. The GDF owner should obtain Agency approval

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before removing or disconnecting any Stage II vapor recovery equipment.

- b. Subject to verification and approval by the Agency, an existing GDF that, after May 1, 2009, replaces all of its existing gasoline dispensers with new gasoline dispensers that support triple data encryption standard (TDES) usage or replaces one or more of its gasoline dispensers pursuant to a plan to achieve full TDES compliance. As used above, “new gasoline dispensers” means gasoline dispensers being installed for the first time at the GDF, whether purchased from a vendor as new or refurbished, or physically moved from another GDF. “That support TDES usage” means the gasoline dispenser has all the necessary and approved hardware and software required for TDES installed and only requires the loading of a TDES key. A GDF owner wishing to seek exemption from the Stage II regulation under this provision will need to provide the Agency with information about the dispensers to be installed, documenting that they support TDES and, if all dispensers are not being replaced, that those being replaced are part of a plan to achieve full TDES compliance. As above, the GDF owner should obtain Agency approval before removing or disconnecting any Stage II vapor recovery equipment.
- 4) Within two years of January 1, 2013, or of the Agency’s determination that the Stage II vapor recovery regulations do not apply to a GDF, whichever is earlier, the GDF will need to decommission its Stage II vapor recovery system, including below-ground components, according to the Agency's *Procedure for Decommissioning Stage II Vapor Recovery Systems at Gasoline Dispensing Facilities*, approved on February 24, 2011.