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Maine Department of Environmental Protection Policy for Abandonment of Stage II Gasoline Vapor Recovery Piping at Underground Oil Storage Facilities

Background

Gasoline Vapor Recovery

The Federal Clean Air Act, § 177, 42 U.S. Code, § 7507 and the Department's Rules for Gasoline Dispensing Facilities Vapor Control, 06-096 CMR c. 118 require that any gasoline dispensing facility in three southern Maine counties whose annual throughput ever exceeds 1,000,000 gallons per year operate a Stage II vapor recovery system during the transfer of gasoline from a stationary tank to a motor vehicle fuel tank. This requirement applies to approximately 120 underground gasoline dispensing facilities in York, Cumberland and Sagadahoc Counties. Facilities with Stage II vapor recovery have underground piping for gasoline dedicated to return vapors from the nozzle at the dispenser to the gasoline storage tank.

Owners of some underground gasoline storage facilities located in other counties installed Stage II vapor recovery piping at their sites in the event that its use became mandated in the future. Similarly, some facilities located in York, Cumberland or Sagadahoc Counties that included Stage II Vapor Recovery piping may never have had to use it. The number and locations of facilities with Stage II piping that has not been operated is unknown.

Subsequently, automobile manufacturers began to market vehicles with Onboard Refueling Vapor Recovery (ORVR) systems. These systems capture vapors when product is dispensed into a vehicle and gradually feed the vapors into the engine fuel, instead of returning them to the underground storage tank. The number of automobiles and trucks with ORVR systems is increasing and is replacing Stage II underground piping systems in capturing gasoline vapors.

In 2008, Maine law, 38 M.R.S.A. § 585-E(7) repealed the Stage II vapor recovery requirement for all gasoline facilities by January 1, 2012 and exempted a facility from using Stage II Vapor recovery equipment if:

- It exceeds the minimum threshold annual throughput of 1,000,000 gallons of gasoline only after January 1, 2008;
- Upon verification and approval by the Department, excavation of one or more tanks is required in order to install or repair a below ground component of the Stage II vapor recovery system; or
- It is constructed after June 30, 2008.

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Accordingly, the Department is not requiring reactivation of a Stage II system if underground gasoline tanks are excavated for reasons other than repairing Stage II piping and the excavation effectively destroys the connections to Stage II piping.

As a result, several facilities are no longer operating the Stage II vapor recovery piping associated with their gasoline storage tanks and product delivery piping. Additional facilities are expected to cease operating their Stage II piping over the next three years.

The state's groundwater protection law, 38 M.R.S.A. § 566-A(1, 2, 3 and 5) and the Department's Rules for Underground Oil Storage Facilities, 06-096 CMR, Chapter 691, § 11(A and E) and Appendix J require proper abandonment (removal) of tanks or piping that are permanently taken out of service. This means that a facility that is no longer operating its Stage II vapor recovery piping must excavate and remove the piping in accordance with these Rules.

Policy

Removal of Stage II vapor recovery piping at an active, operating facility where no excavation of tanks, product piping or underground components is otherwise required may not be necessary in limited circumstances. Mobilizing construction equipment and qualified personnel for the sole purpose of removing Stage II piping may be neither environmentally expedient nor cost effective.

Therefore, the Department will exercise discretion in enforcing the rules for removal of Stage II vapor recovery piping when its use is discontinued while all other underground product storage and delivery components remain in use at the facility. The following procedures are required.

A. For facilities with active Stage II piping or inactive piping that has been connected to the tank:

With a CTI present, piping shall be

- a. tested using an approved pressure decay test and achieve a passing result;
- b. disconnected at the tank top if this can be done without excavation, and purged of vapors;
- c. capped at all dispensers.

Piping that does not pass the pressure decay test must be removed.

Completion of steps a, b, and c above shall be considered temporary abandonment in place for the purpose of this policy. All stage II vapor recovery piping shall be removed when the product delivery piping or the entire underground facility is removed in accordance with the Rules, 06-096 CMR Chapter 691, § 11 and Appendices J and P.

B. For facilities with Stage II piping that has not been connected to the tank:

With a Certified Tank Installer (CTI) present, the facility owner must determine whether the piping has been in contact with product vapors. Ways to determine this include tightness testing the piping using a vacuum or pressure test in accordance with the manufacturer's instructions; using an alternative test method approved by the Department, or excavating to tank top to expose the location where the piping terminates.

Piping that has not been connected to the tank shall be considered an incomplete Stage II installation. This piping shall be removed when the product delivery piping or the entire underground facility is removed, whichever comes first.

The above policy may be applied only to facilities with underground gasoline vapor recovery piping that meets all criteria in Section A or Section B above.

This policy may not be used at a facility where evidence of a possible leak as defined in the Rules, 06-096 CMR, c 691, § 5(D)(11) has occurred.

Authorizing signature:



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