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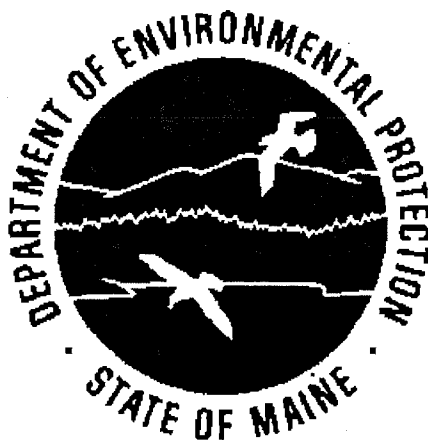


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Report to the Legislature

on

Gasoline Station Compliance Inspections



Submitted by the:

Maine Department of Environmental Protection

April 2006

Overview

Legislative Requirement: Maine PL 2005 C157, required the Maine Department of Environmental Protection to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. Although not specifically stated in the text of the law, the focus of the Department's report was to be the vapor recovery equipment ("Stage I" and "Stage II") inspections program.

Report:

DEP staff from two bureaus (Air and Remediation) conduct and oversee compliance inspections for both Stage I and Stage II. This report was jointly prepared by staff from both bureaus.

In the course of its research, the Department worked with and sought the advice of the Board of Underground Storage Tank Installers (BUSTI). Maine certified underground oil storage tank installers and inspectors currently inspect annually for compliance with Stage I vapor recovery equipment requirements. In addition, because the tasks performed as part of a Stage II inspection test involve disconnecting piping and fittings, it is necessary to have a Maine certified underground oil storage tank inspector or installer on site during the Stage II inspection testing as well. The BUSTI is responsible for certifying persons who install and inspect petroleum storage tanks.

Compliance with Stage I and Stage II Vapor Recovery Requirements

Stage I Vapor Recovery: Stage I systems recover gasoline vapors from the filling of *underground gasoline storage tanks*. The systems work as follows: gasoline is dispensed from a tank truck into underground storage tanks and as the tank fills, the displaced gasoline vapors are collected in the tank truck. The truck then carries the vapors back to the gasoline terminal. The Department has required Stage I systems at all gasoline stations since 1989 as part of a statewide volatile organic compound reduction strategy.

Stage II Vapor Recovery: Stage II refers to the program begun in 1996 as part of the State's 15% plan to combat ozone non-attainment in southern Maine. Stations dispensing at least 1 million gallons of gasoline each year located in the southern three counties of the state were required to install a system at the dispensing pumps that captures displaced gasoline vapors during *vehicle* fueling. There are now approximately 120 stations in the program.

Three Types of Compliance Inspections: Department staff from two bureaus as well as independent contractors currently conduct compliance inspections at gas stations. *Bureau of Air Quality staff* have performed inspections of Stage I and Stage II vapor recovery compliance for several years. Staff from the *Department's Bureau of Remediation and Waste Management* through its *Division of Oil and Hazardous Waste Facility Regulation (DOHWFR)*, have also been inspecting specific components of underground oil storage facilities relative to Stage I requirements. (See Attachment 1)

Stage I inspections involve checking specific equipment such as drop tubes and seal gaskets to insure the equipment is properly located and functioning. Stage II inspections consist of up to three separate tests of air vapor recovery equipment to insure it is functioning properly and no vapor leaks are occurring (See Attachment 3.)

Additionally, effective July 1, 2003, 38 M.R.S.A. § 563.9 requires that a passing annual inspection report (see Attachment 2) completed by a *Maine certified underground oil storage tank installer or inspector* be submitted to the Department for each underground oil storage facility. This inspection requires evaluation of Stage I vapor recovery equipment. Annual reports are submitted to and reviewed by staff in the underground storage tanks program of the DOHWFR.

New Cross Media Inspection Requirement:

Public Law 2005, Chapter 157 Section 3 requires the Department to implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations.

Beginning in January 2005, staff from the Maine Department of Environmental Protection's Bureau of Air Quality and Bureau of Remediation and Waste Management's Division of Oil and Hazardous Waste Facility Regulation participated in a series of meetings and inspections. Cross training and cross-media inspections continued through November 2005. Cross-media inspections will resume in the spring of 2006.

Results of Stage I Inspections in 2005

Bureau of Air Quality Inspections: In 2005, staff from the Department's Bureau of Air Quality performed inspections of Stage I vapor recovery equipment at seven stations. A letter of Warning was issued for non-compliance at one station. No Notices of Violation were issued for non-compliance with Stage 1 vapor recovery system requirements by the Bureau of Air Quality. The Bureau completed six administrative consent agreements and two court decrees for Stage II violations, with a total penalty of \$140,000, in 2005.

Division of Oil and Hazardous Waste Facilities Regulations - UST Program Inspections: Staff in the underground storage tanks (UST) program performed 415 inspections statewide during the 2005 calendar year. Staff inspected specific components of the Stage I vapor recovery equipment at approximately 80% of facilities that were required to have this equipment. Notices of Violation were issued by staff from the UST program to 12 facilities in response to non-compliance with Stage I requirements.

Certified Inspectors and Installer Inspections: As a result of the inspections performed by Maine certified underground oil storage tank inspectors and installers in 2005, the Department received passing annual reports for about 87% (2010) of the underground oil storage tanks. For gasoline tanks, the annual review includes an inspection of Stage I vapor recovery equipment. An annual inspection report that shows one or more failing components is a failing report for the entire facility. Only passing reports are required to be submitted to the Department, so the 13% of the tank universe that did not submit a passing report should *not necessarily* be construed as being out of compliance with the Stage I vapor recovery equipment requirements. (The facility may have failed other aspects of the inspection. See Attachment 2)

Results of Stage II Inspections in 2005

In 2005, staff from the Bureau of Air Quality observed approximately 60 Stage II testing events. Bureau of Air Quality and Bureau of Remediation and Waste Management staffs jointly observed four Stage II testing events as part of the cross-training program.

Discussion of State-Certified Inspections

Some manufacturers of Stage II testing equipment currently provide training of contractors using their equipment. DEP discussed with the BUSTI Board both the Stage II testing requirements and feasibility of the Board certifying Stage II testers. (See Attachment 5) After discussion of the tasks performed when conducting Stage II testing, the Board voted unanimously that a Maine certified installer or inspector is required to be present, if a Stage II tester does not have an installer certificate. Their reasoning included the belief that a certified professional provided additional assurance that no damage occurs to other equipment related to the underground storage facility and that evidence of a possible leak would be properly identified and promptly reported. The BUSTI Board and the Department concur that statutory authority exists for the BUSTI Board to certify Stage II testers as persons performing physical work on underground storage tanks, and that Stage II testers should become certified as inspectors or installers.

Conclusions

The periodic inspections performed by Department staff create a system of checks and balances that insure quality oversight of Stage I and Stage II inspections and testing. These inspections performed by the Department are essential for detecting poor quality or fraudulent inspection results by the certified inspectors and installers and Stage II vapor recovery system testers. Nevertheless, there may be advantages to establishing a third-party certification program specifically for Stage II vapor recovery compliance. *The Department commits to pursue the possibility of developing such a program and assessing the effects of such a certification program on the level of Maine's compliance with the federal Clean Air Act's state implementation plan ("SIP") requirements.*

Recommendations:

To ensure consistency and compliance with the rules regulating work performed on underground storage tanks and improve the coordination of Department efforts to oversee compliance, the following actions are recommended:

1. Notify the certified tank installer/inspector and the Stage II testing communities of the requirement for a BUSTI certified installer or inspector to be present during work or test of a Stage II vapor recovery system.
2. Modify DEP Regulation Chapter 118: Gasoline Dispensing Facilities Vapor Control to provide consistency with the tank installer/inspector rules; and to include Stage II inspector/tester training and performance standards.

3. After the above tasks have been completed, evaluate the possibility of using a third-party certification program to enhance compliance with Stage II regulations. The investigation should include an evaluation of the impact of such a program on the EPA approved State Implementation Plan for the control of VOC emissions; the need for statutory changes (if any) to allow such a program; the potential impact of the program on the overall compliance rate; and the financial impact of ensuring an adequate compliance level using a third-party certification program.

Attachments

1. DEP-UST program inspection checklist
2. Certified installer/inspector annual report form
3. BAQ - Stage II V.R. SYSTEM TEST FORM
4. Stage II Vapor Recovery Equipment Testing Information
5. Discussion with the BUSTI Board

ATTACHMENT 1

Maine Department of Environmental Protection
Bureau of Remediation and Waste Management
17 State House Station, Augusta, Maine 04333-0017
Telephone (207) 287-2651

Underground Oil Storage Facility Inspection Checklist

Facility Name: _____ Registration #: _____
Tank Operator: _____ Tank Owner: _____
Address: _____ Address: _____
Facility Telephone Number: _____ Owner Telephone Number: _____
Assisted by: _____ Supplier(s): _____

1. Spill-buckets: [Yes No N/A] Fill caps in good condition? [Yes No]
Comments: _____
2. Overfill protection: [Yes No N/A] Type: [Flapper Ballfloat Elec Whistle]
3. Stage 1 gasoline vapor recovery: [Yes No N/A] [Co-axial Two-Point Manifolded]
4. Vapor cap/poppet in good condition?[Yes No N/A] Coax tube rim dent free?[Yes No N/A]
5. Drop tubes: [Yes No N/A] Drop tube end w/in 6 inches of tank bottom? [Yes No N/A]
6. Piping sumps in good condition: [Yes No N/A] Sump probes located properly: [Yes No N/A]
Comments _____
7. Proper location and height of vent pipe(s): [Yes No] Pressure/Vacuum Cap: [Yes No]
8. Crash valves secured: [Yes No N/A] Dispenser sumps clean: [Yes No N/A]
Dispenser sump probes located properly: [Yes No N/A None]
9. Spill log: [Yes No N/A] Maintained: [Yes No]
10. Evidence of recent spills, leaks, or overfills at facility: [Yes or No]
Describe: _____
Reported to DEP within 24 hours: [Yes or No] Comment: _____
11. Date of last Annual Inspection: _____ All components of facility inspected/repaired: [Yes No]
If no, list items omitted or not repaired:

12. Monthly gas throughput records for last 12 mo. on-site: [Yes No N/A]
High mo. _____ ; _____ gals. Annual gas throughput: _____ gals.
13. Tank interstitial monitoring: [probes manual N/A]
Manual Interstice or GWM log maintained: [Yes No NA]
14. Electronic leak detection system operating properly: [Yes No N/A]
Type: _____

Passing ATG w/in 30 days: [Yes No N/A] Passing ELLD w/in 30 days:
[Yes No N/A]

15. Daily inventory properly reconciled: [Yes No N/A] Off-Site ___ Date last SIA : ___
[Pass or Fail]

Comments: _____

16. Facility registration accurate: [Yes or No] If no, list changes below:

Additional Comments:

Inspector's Printed Name(s): _____ Date: _____

Inspectors' Signature(s): _____ Phone: _____



**ATTACHMENT 2
Maine Department of Environmental Protection**

Underground Storage Tank

Inspection Summary

Facility Name: _____	Owner: _____	Reg.#: _____
Location: _____	Operator: _____	Phone: _____

<input type="checkbox"/> Initial Inspection <input type="checkbox"/> Inspection Update	TANK #			TANK #			TANK #			TANK #		
	Volume	Product										
	PASS	FAIL	N/A	PASS	FAIL	N/A	PASS	FAIL	N/A	PASS	FAIL	N/A
Daily Inventory												
Automatic Tank Gauge												
Groundwater Monitoring												
Interstitial Monitoring												
Overfill Prevention												
Spill Buckets												
Line Leak Detectors												
Copper Piping												
Stage I vapor recovery												
Crash Valves												
Cathodic Protection												
Any FAIL in the columns above means a FAIL for that tank.	PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL		

I certify that the information provided is accurate at the time of inspection. I also certify that I am a properly certified Maine underground oil storage tank installer or tank inspector.

Name (please print) _____ Date _____ Signature _____

Please return this certificate no later than July 1 of the year inspection is due to:	Annual UST Inspections Maine Dept. of Environmental Protection, 17 State House Station, Augusta, Maine 04333
!!! KEEP A COPY OF THIS FORM FOR YOUR RECORDS !!!	

General Instructions

1. Leak detection equipment and procedures, spill and overflow prevention devices must be checked or tested annually for proper operation. Cathodically protected tanks and piping must be checked annually to insure they are adequately protected from corrosion.
2. All work associated with testing of equipment and checking of procedures must be performed under the direct, onsite supervision of a Maine certified underground storage tank installer, or a Maine certified tank inspector.
3. Mail completed inspection forms to: Annual Tank Inspections, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333 by July 1 each year. **Remember to keep a copy for your records.**
4. Detailed instructions on how to fill out this form are provided in MEDEP's "UST Inspector Reference Handbook" which is available online at <http://www.maine.gov/dep/rwm/ust/index.htm>. Copies of the Annual Inspection Report form, the Inspector Reference Handbook and a list of Frequently Asked Questions (FAQ's) are also available by calling 1-207-287-2651.
5. *Please explain failing results in Comments sections. List any problems noted during inspection, even those that were corrected.*

Daily Inventory

Fill out this section only for tanks that use monthly reconciliation of Daily Inventory combined with annual SIA.

		TANK #		TANK #		TANK #		TANK #	
		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
1	Inventory records reconciled monthly?								
2	Over/Short less than 1%?								
3	Fill pipe drop tube in place?								
	Manual Inventory								
4	Gauge stick in good condition?								
	PASS or FAIL?								

Comments: _____

Automatic Tank Gauging (Singlewalled tanks only)

5	Make and Model:
----------	------------------------

Fill out this section only for tanks that use in tank testing using an ATG for leak detection.

		TANK #		TANK #		TANK #		TANK #	
		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
6	Monitoring console or control box present and working? (indicator lights, horn and printer work, paper roll installed)								
7	One 0.2 gph test passed within last 30 days with tank at least 60% full (static test) or within 10% of previous month's high (continuous test)?								
8	Water sensor checked by hand?								
9	Product level sensor checked by hand?								
PASS or FAIL?									

ATTACH COPY OF ATG PRINTOUT SHOWING PASSING RESULTS TO THE INSPECTION SUBMITTED TO DEP.

Groundwater Monitoring

Fill out this section only for singlewalled heating oil tanks installed before Sept. 16, 1991.

		TANK #		TANK #		TANK #		TANK #	
		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
10	Monitoring wells accessible?								
11	Monitoring wells marked and secured?								
12	Bailer present, functional and clean?								
13	Water in well?								
14	No floating oil or smell of oil?								
15	Log of weekly well inspections?								
Pass or Fail?									

Comments: _____

Interstitial Monitoring (Tanks and Piping)

16 Make and Model:

Fill out this section for doublewalled tanks or piping that are electronically monitored.

		TANK #			TANK #			TANK #			TANK #		
		TANK	PIPE	DISP	TANK	PIPE	DISP	TANK	PIPE	DISP	TANK	PIPE	DISP
17	Interstitial monitoring system is Electronic (E), Manual (M) or None(X)												
		P	F	P	F	P	F	P	F	P	F	P	F
	Manual monitoring												
18	Sump is accessible for inspection?												
19	Written log of sump checks available?												
	Electronic monitoring												
20	Monitoring console is fully operational?												
21	Sensors are properly placed?												
22	Sensors are functioning properly?												
	All Systems												
23	Are sumps in liquid tight condition?												
24	No oil in sumps or interstitial space?												
25	No water in sumps or interstitial space?												
	PASS or FAIL?												

Comments: _____

Overfill Prevention

		TANK #		TANK#		TANK #		TANK #	
		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
26	Ball float(BF), Flapper(F), Electronic (E), Vent Whistle (W) or None (X)?								
	Ball float								
27	Checked and working properly?								
28	Set at 90% full level?								
	Auto shut off/flapper								
29	Checked and working properly?								
30	Set at 95% full level?								
	Electronic high level alarm								
31	Checked and working properly?								
32	Set at 90% full level?								
	Vent whistle (HEATING OIL ONLY)								
33	Checked and working properly?								
34	Set at 90%?								
35	Vent within 8 ft of fill?								
	<u>PASS or FAIL?</u>								

Spill Buckets

		TANK #		TANK #		TANK #		TANK #	
		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
36	Spill buckets present?								
37	Clean?								
38	Liquid tight?								
39	Lid in good condition?								
40	Lid not touching fill riser?								
	PASS or FAIL?								

Comments: _____

Automatic Line Leak Detectors (LLD)

Line leak detectors are required on product lines supplied by a pump remote from the dispenser.

41	Make and Model:
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		TANK #		TANK #		TANK #		TANK #	
		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
42	Mechanical (M) or Electronic (E) LLD?								
43	LLD present?								
44	LLD listed for use with type of piping present (rigid or flexible)?								
	Mechanical LLD's only								
45	Slow flow when 3gph leak @10PSI is simulated?								
	Electronic LLD's only								
46	One 0.1 gph or 0.2 gph test passed within last 30 days (if used for primary leak detection on single walled piping)?								
47	System alarms and/or shuts off turbine when a 3gph @10PSI is simulated?								
	PASS or FAIL?								

Piping on Heating Oil Tanks

Piping installed prior to Sep.16, 1991, must be sleeved, after that date must be secondarily contained and monitored.

		TANK #		TANK #		TANK #		TANK #	
		YES	NO	YES	NO	YES	NO	YES	NO
	Copper Piping								
48	Piping properly sleeved?								
49	Suction/Return lines separated by spacers?								

Comments: _____

Stage I Vapor Recovery (Gasoline tanks only)

50	Gas thruput for last calendar year _____ gals. _____ Yr	TANK #		TANK #		TANK #		TANK #	
		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
51	Stage I Vapor Recovery system is 2 Point/ Manifold (M) or Coaxial (C)								
Two Point / Manifold System									
52	Vapor recovery poppet cap and gasket in good condition?								
53	Poppet valve moves easily and closes tight?								
54	Manhole lid in good condition?								
	Coaxial								
55	Fill pipe in good condition?								
	All systems								
56	Fill cap and gasket in good condition?								
57	Drop tube?								
58	Ends within 6 inches of tank bottom?								
	PASS or FAIL?								

Dispenser and Crash Valves

		DISPENSER #															
		P	F	P	F	P	F	P	F	P	F	P	F	P	F	P	F
59	Crash valves at correct height?																
60	Crash valves secured?																
61	Crash valves operational?																
62	Dispenser checked for weeps & leaks?																
	PASS or FAIL?																

Comments: _____

Cathodic Protection (Galvanic and Impressed Systems)

		TANK #		TANK #		TANK #		TANK #	
Enter readings in Volts		PASS	FAIL	PASS	FAIL	PASS	FAIL	PASS	FAIL
63	Tank Readings (3 locations over tank center line)								
64	Product pipe reading?								
65	Vent Pipe Reading?								
66	Rectifier has power and is turned on? (Impressed Current Systems Only) IF NOT APPLICABLE CIRCLE → N/A								
67	Monthly log present and filled out properly? (Impressed Current Systems Only) IF NOT APPLICABLE CIRCLE → N/A								
PASS or FAIL?									

Out of Service Tanks

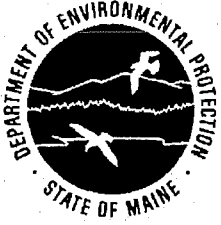
Fill out this section for any tank that is no longer active (no product added or removed) or no longer has leak detection

		TANK #		TANK #		TANK #		TANK #	
Date taken out of service (Month/Day/Year)									
		YES	NO	YES	NO	YES	NO	YES	NO
69	Less than 1" product?								
For tanks out of service more than 3 months, check the following:									
70	Tank vented and fill pipe locked?								
71	Product piping capped? Pumps and manways secure?								

Comments: _____

INDICATE ALL REPAIRS MADE TO BRING FACILITY INTO COMPLIANCE

Attachment 3



STAGE II V.R. SYSTEM TEST FORM

Full Stage II Test Annual Test Balance System Vac System
System Type: _____ **Executive Order:** _____
 DEP Inspector: _____ Date: _____

FACILITY INFORMATION: **TEST COMPANY:**
 Station Name: _____ Name: _____
 Address: _____ Address: _____
 Telephone #: _____ Telephone #: _____
 Contact(s): _____ Technician(s): _____

PRESSURE DECAY TEST: (Note: total tank ullage must be between 500 and 25,000 gallons)

	<u>Tank #1</u>	<u>Tank #2</u>	<u>Tank #3</u>	<u>Tank #4</u>
Grade:	_____	_____	_____	_____
Stick reading:	_____	_____	_____	_____
Act. Tank Cap.:	_____	_____	_____	_____
Product Volume:	_____	_____	_____	_____
Ullage:	_____	_____	_____	_____

Total Tank Ullage: _____ Gals. Allowable Press. Drop To: _____ "H₂O (five minute test)
 Initial Pressure: _____ "H₂O Final Pressure: _____ "H₂O
 P/V Cap Holding At: _____ "H₂O Press., _____ "H₂O Vac.

PASS FAIL

HEALY VACUUM TEST:

Total Length of 2 inch Vapor Recovery Piping(ft): _____ 3 inch V.R. Piping(ft): _____
 Normal Operating Vacuum: _____ "H₂O Allowable Drop: _____ "H₂O (five minute test)
 Final Pass At: _____ "H₂O from: _____ "H₂O

PASS FAIL

DYNAMIC BACKPRESSURE TEST:

	<u>Dry Test</u>			<u>60scfh</u>	<u>Wet Test</u>	
	<u>40scfh</u>	<u>60scfh</u>	<u>80scfh</u>		<u>Gallons</u>	
Limits:	.16	.35	.62	.35	≥ 2.0	<u>P/F</u>
<u>Dispenser #</u>	_____					

Attachment 4

Stage II Vapor Recovery Equipment Testing Information

Stage II vapor recovery equipment testing includes three types of tests.

Pressure Decay Test: The first test is known as a Pressure Decay Test and involves pressurizing the entire vapor space from the storage tank liquid level to the dispenser hardware with nitrogen, to ensure there are no leaks in the piping. The system is pressurized to 10" of water column or approximately one third of a pound per square inch (psi) and held for 5 minutes. A passing test takes into account the amount of vapor space in the tank or "ullage" which can be no less than 500 gallons or no more than 25,000 gallons.

Dynamic Backpressure Test: The second test is known as the Dynamic Backpressure Test and is performed in two parts (dry and wet) and conducted to determine whether there are underground blockages that would prevent gasoline vapors from returning to the storage tank. The dry test consists of flowing nitrogen into the vapor piping under each dispenser at three different rates. The nitrogen is allowed to escape the system through the vapor recovery valve on the tank top. Assuming this portion of the test passes, two gallons of gasoline is poured into the vapor line under each dispenser and again nitrogen is introduced to document that there are no low points in the vapor line.

Dispenser Nozzle Test: The third test involves a dispenser nozzle test that checks for proper vacuum during vehicle filling from each grade/nozzle. Typically, one standard cubic foot of gas (~7.5 gallons) is dispensed during this test and there are different tolerances depending on the system type.

There are seven companies that have tested stage II systems at stations in Maine. The Department is unaware of which companies provide training for technicians to perform Stage II tests. We believed most technicians get their Stage II training on the job unless they need to work on specific components of the system such as dispenser electronics. In that case, we know that the technicians are required to be certified from the manufacturer (Dresser-Wayne, Veeder-Root, etc.) to work on those items.

Attachment 5

Department Discussion with the BUSTI Board

At its meeting of January 20, 2006, the Board of Underground Oil Storage Tank Installers discussed the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. The Board concluded that Stage I vapor recovery equipment was already subject to annual inspection by Maine certified inspectors or installers. After discussion of the tasks performed during Stage II vapor recovery equipment inspection testing, the Board reaffirmed an earlier decision (made at its June 2005 meeting) that the language found in 32 M.R.S.A. § 10006 required, a Maine certified installer or inspector be present during the performance of Stage II inspection testing. The Board noted that some of the approximately seven companies that perform Stage II inspection testing have employees that are currently Maine certified inspectors or installers. A Stage II tester that becomes certified as an inspector or installer is able to offer gas station owners the ability to perform the Stage II test and complete the annual underground storage facility inspection in one visit. Since the gas station owner must pay for these services, compliance with these inspection/testing requirements can be achieved less expensively by a certified inspector/installer who also performs Stage II testing

The Board also noted that performance standards for Stage II inspection testing are established by the California Air Resources Board (CARB) but there is no known training or other uniform qualification requirements established to determine the competency of testing contractors. Hence, the Board recommended the Department, through its Bureau of Air Quality, develop performance standards for Stage II vapor recovery equipment testing, as it deems appropriate. Alternatively, the Bureau of Air Quality could adopt by reference the performance standards established by CARB in the Maine rules. Lastly, the minimum qualifications and ongoing continued education could also be promulgated into existing rule, Chapter 118, Gasoline Dispensing Facilities Vapor Control.

The Board further recommended the form used to certify the accuracy of the Stage II inspection test be modified to include the name of the Stage II tester and name and certification number of the Maine certified installer or inspector who was on-site while the test was being performed. This will help make testers responsible for ensuring that a Maine certified installer or inspector is on-site, and prevent Maine's certified professionals from liability for the actions of a Stage II tester. The Board further recommended that the Department, through its underground oil storage tank program, provide training to the state certified Underground Oil Storage Installers and Inspectors. The Board noted that Stage I and Stage II vapor recovery system inspections could be added to the agenda for future training programs. Lastly, the Board voted that a pilot program is not necessary or advisable because:

- a. Stage I vapor recovery equipment inspection testing is currently performed annually by a Maine certified Underground Oil Storage Tank installer or inspector, and periodically by staffs from the Bureau of Air Quality and Bureau of Remediation and Waste Management;
- b. The existing Maine certified underground oil storage tank requirements mandate persons performing work such as Stage II vapor recovery equipment inspection testing be certified as inspectors or installers;
- c. Several testing contractors performing this work in Maine are currently certified as inspectors or installers, and an ample number of certified professionals currently exist to oversee this work;
- d. Existing Stage II vapor recovery system testers may become certified inspectors (or installers) upon passage of the test. The study materials and opportunity to take the certification test already exist and do not require further study or review; and
- e. It is not an efficient use of resources to create a program to certify Stage II testers because there are so few testers doing business in Maine.

However, it is necessary and appropriate to maintain the system of checks and balances that exists as a result of the inspections performed by department staff. Absent Department staff to observe and document the status of compliance and quality of inspection testing, there is no infrastructure for assessing the ability of certified inspectors or installers to perform competent inspections and no system for holding Stage II testers accountable. Currently, incidents of poor performance and non-compliance by these certified professionals is referred to the BUSTI Board for investigation and if necessary, appropriate enforcement action.