1. Agency Name & Address:
   Department of Environmental Services
   29 Hazen Drive
   P.O. Box 95
   Concord, NH 03302-0095

2. RSA Authority: RSA 125-C:4, I(a)

3. Federal Authority: 42 U.S.C. 7511a(b)(3); 42 U.S.C. 7511c(b)(2)

4. Type of Action:
   - Adoption
   - Repeal
   - Readoption
   - Readoption w/amendment X

5. Short Title: Recovery of Gasoline Vapors

6. (a) Summary of what the rule says and of any proposed amendments:

The proposed rule readopts with amendments Env-Or 500, which regulates emissions of volatile organic compounds from gasoline storage tanks, gasoline dispensing facilities, and cargo trucks.

The proposed rules would eliminate and modify certain definitions and readopt with amendments the Stage I and II requirements for gasoline dispensing facilities, specifically:

- Env-Or 502 contains definitions for various terms used throughout the chapter. The proposed rules would eliminate the terms “Onboard Refueling Vapor Recovery”, “ORVR Compatible”, “Test Tee Fitting” and “Topping Off.” which are terms related to Stage II systems which were required by the existing rule to be decommissioned by December 22, 2015.

- The proposed Env-Or 502.23 would amend the term “Significant Modification” to “Substantial Modification” to ensure consistency with Env-Or 400, Underground Storage Tank Facilities, and Env-Or 300, Aboveground Petroleum Storage Facilities.

- Env-Or 504 establishes the Stage I requirements for gasoline dispensing facilities. The proposed rules: (1) establish vent cap requirements for reconstructed and new facilities; (2) are consistent with Env-Or 400, which require swivel adaptors; (3) clarify that all new facilities must have a two-point system; and (4) establish that existing facilities with coaxial fills must install two-point systems if substantially modifying their tank top or replacing their system. In addition, the requirements in Env-Or 504.05, that provide for Stage I system monthly maintenance inspections is being eliminated, as those requirements are already required by RSA 146-C:19, II, which is included as Appendix D. Lastly, the requirements in Env-Or 504.06, relative to the testing of Stage I systems are being amended to specify the actions that must be taken in the event of a failed test.

- Env-Or 505 establishes the Stage II requirements for gasoline dispensing facilities. The existing rules required all Stage II equipment to be decommissioned by December 22, 2015. The proposed rules amend the applicability of the Stage II requirements that now apply only to facilities that have not decommissioned.

- The remainder of the proposed rules include further amendments to Env-Or 505 and Env-Or 506, to include: updates to web links in tables; removal of all pertinent Stage II requirements that are now obsolete; removal of references to Stage II in Tables 500-2, 500-3, and Appendix B; and amendments to the notification and recordkeeping requirements.
6. (b) Brief description of the groups affected:

Those affected by the proposed rules are owners and operators of gasoline dispensing facilities that have not been decommissioned.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<table>
<thead>
<tr>
<th>Rule Section(s)</th>
<th>State Statute(s) Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Env-Or 500</td>
<td>RSA 125-C:4, l(a); RSA 125-C:6, II &amp; XIV</td>
</tr>
</tbody>
</table>

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Charlie Krautmann
Title: Oil Compliance Section Supervisor
Address: Department of Environmental Services
Waste Management Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Phone #: (603) 271-6058
Fax#: (603) 271-6588
E-mail: Charles.S.Krautmann@des.nh.gov
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: 4:00 p.m. on Wednesday, July 7, 2022

Fax ☒ E-mail ☒ Other format (specify):

9. Public hearing scheduled for:

Date and Time: Wednesday - June 29, 2022 at 10:00 a.m.
Place: Room 208C, DES Offices, 29 Hazen Drive, Concord NH
NOTE: NHDES security procedures require all visitors to sign in and present photo identification (such as a driver's license). If you plan to attend the public hearing in person, please bring photo identification with you.

You also may attend the hearing via Microsoft Teams, which can be accessed through the following link:
Env-Or 500 Public Hearing
Meeting number (access code): N/A
Meeting password: N/A
You also may join the meeting by phone:
Call in Number: 1 603-931-4944
Access Code: 967 234 317#

Contact Jeanne Roningen at (603) 271-8740 or jeanne.m.roningen@doit.nh.gov if you have any questions or technical issues connecting to the hearing.

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):
1. **Comparison of the costs of the proposed rule(s) to the existing rule(s)**

   There is no difference in cost when comparing the proposed rules to the existing rules.

2. **Cite the Federal mandate. Identify the impact on state funds:**

   No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**

   There is no cost or benefit attributable to the proposed rules. Any cost or benefit associated with these rules is due to RSA 482-A and not the rules.

   **A. To State general or State special funds:**

   None.

   **B. To State citizens and political subdivisions:**

   None.

   **C. To independently owned businesses:**

   None.

11. **Statement Relative to Part I, Article 28-a of the N.H. Constitution**

    The rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision, and so do not violate Part I, Article 28-a of the N.H. Constitution.