

- 28 (a) "Gasoline cargo tank" means a tank that:
- 29 (i) is intended to hold gasoline;
- 30 (ii) has a capacity of 250 gallons or more; and
- 31 (iii) is attached to or intended to be drawn by a motor vehicle.
- 32 (b) "Operator" means an individual who controls a motor vehicle:
- 33 (i) to which a gasoline cargo tank is attached; or
- 34 (ii) that draws a gasoline cargo tank.
- 35 (c) "Underground storage tank" means the same as that term is defined in Section
- 36 19-6-102.

37 (2) The operator of a gasoline cargo tank shall comply with requirements of this
 38 section if the operator:

- 39 (a) permits the loading of gasoline into the gasoline cargo tank; or
- 40 (b) loads an underground storage tank with gasoline from the gasoline cargo tank.

41 (3) ~~H~~→ [The] Except as provided in Subsection (6), the ~~H~~ operator of a gasoline
 41a cargo tank may load and permit the loading of gasoline
 42 into a tank described in Subsection (2) ~~H~~→ only ~~H~~ if:

43 (a) emissions from the tank ~~H~~→ that dispenses 10,000 gallons or more in any one
 43a calendar month ~~H~~ are controlled by the use of:

- 44 (i) a properly installed and maintained vapor collection and control system that is
- 45 equipped with fittings that:
- 46 (A) make a vapor tight connection; and
- 47 (B) prevent the release of gasoline vapors by automatically closing upon disconnection;

48 and

- 49 (ii) submerged filling or bottom filling methods; and
- 50 (b) the resulting vapor emitted into the air does not exceed the levels described in
- 51 Subsection (4).

52 (4) Vapor emitted into the air as a result of the loading of a tank under Subsection (3)
 53 may not exceed 0.640 pounds per 1,000 gallons transferred.

54 (5) (a) The department ~~H~~→ [shall] may ~~H~~ fine an operator who violates this section:

- 55 (i) ~~H~~→ up to ~~H~~ \$1,000 for a first offense; or
- 56 (ii) ~~H~~→ up to ~~H~~ \$2,000 for a second offense.

57 (b) An operator who violates this section is guilty of a class C misdemeanor for a third
 58 or subsequent offense.

58a ~~H~~→ (6) If a facility at which an underground storage tank is located does not have

58b the equipment necessary for an operator of a gasoline cargo tank to comply with Subsection
58c (3), the operator is excused from the requirements of Subsections (3) and (4) and may not be
58d fined or penalized under Subsection (5). ←H