

Regulatory Analysis Form

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PROPOSED

IRRC #	1836
PAB	5/3/97
CPC	7/3/97
CRD	8/4/97
MONITOR	BOB
ANALYST	JIM
SUPPORT	ASD

(1) Agency

Environmental Protection

(2) I.D. Number (Governor's Office Use)

7-320

myra - 4/22

1836

(3) Short Title

Control of VOCs from gasoline dispensing facilities (Stage II)

(4) PA Code Cite

25 PA Code Section 129.82

(5) Agency Contacts & Telephone Numbers

Primary Contact: Sharon Freeman, 717-783-1303
Secondary Contact: Barbara A. Sexton, 717-783-1303

(6) Type of Rulemaking (Check One)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed revisions clarify the existing Stage II regulatory requirements in Section 129.82 of Chapter 129, and make the Section 129.82 regulatory requirements consistent with the requirements in the Pennsylvania Air Pollution Control Act.

The proposal also seeks comment on the recommendations of the Southwestern Pennsylvania Stakeholder Working Group relating to Stage II. The Stakeholder Group recommendation is that existing gasoline dispensing facilities with monthly throughputs greater than 120,000 gallons per month, based on 1995 and 1996 data, install and operate Stage II controls no later than December 31, 1998. Existing gasoline dispensing facilities with monthly throughputs greater than 90,000 gallons but less than 120,000 gallons per month are to implement Stage II gasoline vapor control programs in Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties by December 31, 2000. All new and substantially modified facilities starting operation after April 1, 1997 would be required to have Stage II installed at start-up. The Stage II requirement would be eliminated in 2010 if the federal program to have vapor collection canisters on board each new vehicle is implemented. The Department will be seeking an amendment to the APCA to authorize the Department to implement the Stakeholder Group recommendation by regulation.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

This action is being taken under the authority of Section 5 of the Air Pollution Control Act (35 P.S. §4005).

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. The Commonwealth is required to implement control strategies by December 31, 1997 to demonstrate that the Pittsburgh-Beaver Valley Area will achieve the National Ambient Air Quality Standard (NAAQS). (61 FR 28061, 28064). The proposed revisions will make the provisions of Section 129.82 consistent with the provisions of Section 6.7 of the Air Pollution Control Act.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

This proposal addresses the ozone problem in the Pittsburgh-Beaver Valley Area. The proposal is intended to seek public comments on the recommendations of the Southwestern Pennsylvania Ozone Stakeholder Working Group related to Stage II implementation.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

When ground-level ozone is present in concentrations in excess of the federal health-based standard, public health is adversely affected. The federal Environmental Protection Agency has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments, such as asthma. Further, although children, the elderly, and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Though such symptoms are often temporary, repeated exposure could result in permanent lung damage.

The implementation of additional control measures to address the ozone air quality nonattainment in Southwest Pennsylvania is necessary to protect the public health. Stage II gasoline vapor recovery is a part of the ozone reduction strategy developed by the Southwestern Pennsylvania Ozone Stakeholder Working Group.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The proposed revisions will benefit the general public by reducing ozone precursor emissions. The reduction in ozone precursor emissions will result in improved ozone air quality in the area. Approximately 2,800,000 to 3 million people in the seven counties affected by this regulation will benefit from the reduced ozone levels which will result from the implementation of the proposed revisions.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

The existing provisions of Section 129.82 and of Section 6.7 of the Air Pollution Control Act require the installation and operation of Stage II gasoline vapor recovery equipment at certain gasoline dispensing facilities. The proposed revisions will conform the regulations to the provisions of the Air Pollution Control Act and seek public comment on the recommendations of the Southwestern Pennsylvania Ozone Stakeholder Working Group.

Based on information developed by the Stakeholder Group, the Stage II gasoline vapor control program in the area could increase the cost of gasoline by approximately 2.0 to 2.6 cents per gallon. The cost of installing, operating and maintaining the Stage II systems will be borne by the operators of gasoline dispensing facilities. It is anticipated that increased costs will be passed on to gasoline purchasers.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The proposed regulations will affect gasoline dispensing facilities in Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties. Existing gasoline dispensing facilities with monthly throughputs greater than 120,000 gallons per month, based on 1995 and 1996 data, will be required to install and operate Stage II controls no later than December 31, 1998. Existing gasoline dispensing facilities with monthly throughputs greater than 90,000 gallons but less than 120,000 gallons per month are to implement Stage II gasoline vapor control programs by December 31, 2000. All new facilities starting operation after April 1, 1997 would be required to have Stage II installed at start-up.

It is estimated that there are approximately 1250 retail gasoline dispensing facilities in the Southwest Pennsylvania area. In addition, there are smaller private dispensing facilities which may be affected if the retail or private facility is rebuilt.

(16) Describe the communications with and inputs from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Southwestern Pennsylvania Ozone Stakeholder Working Group met for approximately 8 months deliberating ozone reduction strategies for the area. Implementation of a Stage II gasoline vapor recovery program for existing gasoline dispensing facilities with throughputs greater than 90,000 gallons per month was one of the recommendations of the Stakeholder Group.

In addition, the proposed revisions were discussed with the Air Subcommittee of the Air and Water Quality Technical Advisory Committee and the Small Business Compliance Advisory Committee and will be discussed with the Agricultural Advisory Board and made available for review by the Citizens Advisory Council.

(17) Provide a specific estimate of the cost and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Information developed by the Stakeholder Group indicates that the cost of gasoline may increase approximately 2.0 to 2.6 cents per gallon. Estimated annual gasoline sales in the Southwest Pennsylvania area are slightly less than 1 billion gallons. Total cost to affected facilities is estimated to be approximately \$25 million for the implementation of Stage II.

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(18) Provide a specific estimate of the cost and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments will have to absorb the increased cost of gasoline purchased to fuel their fleets. In addition, some local governmental entities may have to bear the cost of Stage II installations if they install new gasoline dispensing facilities.

It is estimated, based on cost data developed by the Southwest Stakeholders, that the implementation of Stage II will increase the cost of gasoline by approximately 2.0 to 2.6 cents per gallon. Total costs to local government will be a function of the quantity of gasoline purchased at retail outlets.

Certain refueling sites operated by local government may be required to install Stage II if the facility is rebuilt. Costs for Stage II installation during a rebuild are estimated to be several thousand dollars.

(19) Provide a specific estimate of the cost and/or savings to state government associated with the implementation of the regulation, including any legal, accounting or consulting procedures which may be required.

It is estimated, based on cost data developed by the Southwest Pennsylvania Ozone Stakeholders Working Group, that the implementation of Stage II will increase the cost of gasoline by approximately 2.0 to 2.6 cents per gallon. Total costs to state government will be a function of the quantity of gasoline purchased at retail outlets.

Certain refueling sites operated by state government may be required to install Stage II if the facility is rebuilt. Costs for Stage II installation during a rebuild are estimated to be several thousand dollars per facility.

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(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Governments	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Governments						
Total Cost	See Note					
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Governments	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(20a) Explain how the cost estimates listed above were derived.

It is estimated, based on cost data developed by the Stakeholders, that the implementation of Stage II will increase the cost of gasoline by approximately 2.0 to 2.6 cents per gallon. Total costs to state and local government will be a function of the quantity of gasoline purchased at retail outlets.

Certain refueling sites operated by state and local government may be required to install Stage II if the facility is rebuilt. Costs for Stage II installation during a rebuild are estimated to be several thousand dollars per facility.

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3	FY-2	FY-1	Current FY
Air Quality	21,000,000	26,000,000	29,000,000	27,000,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and cost.

The Stage II gasoline vapor recovery requirements are a component of the Southwestern Pennsylvania Ozone Stakeholders Working Group proposed strategy to meet the health-based ozone air quality National Ambient Air Quality Standard (NAAQS) in the southwest Pennsylvania area.

An area that fails to attain the standard runs the risk of sanctions which could include the loss of all federal highway funds. For the Pittsburgh area sanctions would go into effect 14 days after December 31, 1997 if Pennsylvania fails to submit a fully enforceable regulation based on EPA's final rule related to the area (61 FR 28061, 28064). In addition, reducing the ambient ozone levels will reduce adverse health affects and lower health-care and related costs in the area.

(22) Describe the nonregulatory alternative considered and the cost associated with those alternatives. Provide the reasons for their dismissal.

The Southwestern Pennsylvania Ozone Stakeholders Working Group considered a wide variety of regulatory, nonregulatory, and episodic ozone control strategies. Stage II was selected as an appropriate emission reduction strategy to implement because it provides near-term and long-term emission reductions which are enforceable and will satisfy Clean Air Act requirements related to air quality attainment demonstrations.

A full description of the strategies discussed and considered by the Stakeholder Group is contained in the final report to the Secretary of DEP from the Stakeholder Group, dated January 15, 1997, which is attached as Appendix 1.

(23) Describe alternative regulatory schemes considered and the cost associated with those schemes. Provide the reasons for their dismissal.

Proposed regulations to implement a low Reid vapor pressure (RVP) gasoline or reformulated gasoline (RFG) are also being proposed based on the Stakeholder Group recommendations. Cost of the low RVP/RFG gasoline program is estimated to be approximately \$ 5 million to \$ 20 million depending on the cost to produce and market complying fuels in the area.

A full description of the strategies discussed and considered by the Southwestern Pennsylvania Ozone Stakeholder Working Group is contained in the final report to the Secretary of DEP from the Stakeholder Group dated January 15, 1997.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

Stage II is presently required in the affected area. This provision is consistent with that federal requirement.

(25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The Stage II requirement is consistent with the requirement in other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

One public hearing will be scheduled with a sixty day public comment period. No public meetings are planned.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Affected facilities will be required to maintain records of compliance testing and maintenance activities. Facilities claiming to be unaffected because of low throughput volumes will be required to maintain records to demonstrate that they are unaffected.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No special provisions are included.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The proposed regulations will become effective on publication as final rulemaking in the *Pennsylvania Bulletin*. This is scheduled for December, 1997.

(31) Provide the schedule for continual review of the regulation.

The regulation will be reviewed in accordance with the sunset review provisions published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**
(Pursuant to Commonwealth Documents Law)

STAMPED: APR 10 1997
RECEIVED: LEGISLATIVE REFERENCE BUREAU

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><i>[Signature]</i> DEPUTY ATTORNEY GENERAL</p> <p>APR 10 1997 DATE OF APPROVAL</p> <p>Check if applicable copy not approved. Objections noted.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>DEPARTMENT OF ENVIRONMENTAL PROTECTION ENVIRONMENTAL QUALITY BOARD</p> <p>_____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>7-320</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <i>[Signature]</i></p> <p>TITLE: <u>JAMES M. SEIF, CHAIRMAN</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agency</p> <p>BY: <i>[Signature]</i></p> <p><u>3/20/97</u> DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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NOTICE OF
PROPOSED RULEMAKING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

25 Pa. Code, Chapter 129/
Control of VOCs from Gasoline Dispensing Facilities (Stage II)

**NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD**

**25 Pa. Code Chapter 129
Control of VOCs from Gasoline Dispensing Facilities
(Stage II)**

Preamble

The Environmental Quality Board (EQB) proposes to amend 25 Pa. Code Chapter 129 (relating to standards for sources) as set forth in Annex A. The proposed revisions clarify the existing Stage II requirements and make them consistent with the provisions of the Pennsylvania Air Pollution Control Act.

This proposal also seeks comment on the recommendation of the Southwestern Pennsylvania Ozone Stakeholder Working Group relating to Stage II.

If approved, the regulation will be submitted to the Environmental Protection Agency (EPA) as an amendment to the State Implementation Plan (SIP).

This notice is given under Board Order at its meeting of March 18, 1997.

A. Effective Date

The regulatory amendments will be effective upon publication in the Pennsylvania Bulletin as final rulemaking.

B. Contact Persons

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, telephone (717) 787-1663; or M. Dukes Pepper, Jr., Assistant Director, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, telephone (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). This proposal is available electronically through the DEP Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

This action is being taken under the authority of Section 5 of the Air Pollution Control Act, 35 P.S. §4005, which grants to the EQB the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. Background of the Amendment

This regulation proposes to establish controls of VOCs from gasoline dispensing facilities (Stage II) in the Pittsburgh-Beaver Valley Area as part of the Commonwealth's demonstration of attainment of the health-based ozone standard. Based on 1991 through 1994 monitoring data, the Environmental Protection Agency (EPA) on July 19, 1995 determined that measured air quality in the area met the ozone National Ambient Air Quality Standard (NAAQS) and that the statutory requirement for an attainment demonstration (and other related requirements) was no longer applicable. However, there were a number of ozone exceedances in 1995 that resulted in a violation of the ozone NAAQS. In response to this violation, the Governor formed the Southwestern Pennsylvania Ozone Stakeholder Working Group to review the ozone problem and recommend additional emission control programs.

In response to the 1995 ozone NAAQS violation, EPA, on June 4, 1996, published a finding in the Federal Register (61 F.R. 28061 et seq.) that the area was no longer attaining the ozone standard and reinstated the applicability of the attainment demonstration and related requirements. These requirements are those established by Part D of Title I of the Clean Air Act, Sections 182(b) and 172(c)(9), 42 U.S.C. §§7511a(b) and 7502(c)(9). EPA recognized the work of the Southwestern Pennsylvania Ozone Stakeholder Working Group when it published the schedule for completion of the attainment demonstration for the Pittsburgh-Beaver Valley Ozone Nonattainment Area. The schedule was a result of a letter submitted by the Commonwealth. Under the schedule, by December 31, 1997, the Commonwealth must submit to EPA, as a State Implementation Plan (SIP) revision, final regulations establishing the emission controls contained in Annex A. In the event the Commonwealth fails to meet this schedule, the sanctions established by the Clean Air Act will go in early January of 1998. These sanctions include 2 to 1 emission offsets and (after six months) the loss of federal highway funds in the area.

This proposal is one of four core emission reduction strategies recommended by the Southwest Pennsylvania Ozone Stakeholder Working Group necessary for the demonstration of attainment of the ozone standard. The four strategies are:

1. minor changes to the proposed low enhanced motor vehicle emission inspection and maintenance program;

2. the second phase (55% reduction) of the Ozone Transport Commission NO_x Memorandum of Understanding;
3. clean gasoline proposal (federal Reformulated Gasoline (RFG) or 7.8 Reid vapor pressure (RVP) gasoline); and
4. Stage II vapor control requirements.

These four core strategies were recognized by the Southwestern Pennsylvania Ozone Stakeholder Working Group as necessary to achieve the ozone standard in the Pittsburgh-Beaver Valley Ozone Nonattainment Area. The Stakeholders specifically recommended the following schedule and throughput cutoff sizes for the implementation of the Stage II requirements:

1. By the end of the year 1998, Stage II should be put in place by all stations pumping an average of 120,000 gallons of gasoline per month (based on 1995/1996 sales);
2. By the end of the year 2000, Stage II should be put in place by all stations pumping an average of 90,000 gallons of gasoline per month (based upon 1995/1996 sales);
3. As of April 1, 1997, Stage II should be required to be installed and operational by all newly constructed gasoline dispensing facilities pumping an average of 10,000 gallons or more of gasoline per month;
4. As of April 1, 1997, Stage II should be required to be installed and operational at the reopening of any gasoline dispensing facility pumping an average of 10,000 gallons or more of gasoline per month which has been rebuilt or renovated, where tanks and associated piping have been substantially disturbed in the rebuilding or renovation process; and
5. Stage II will no longer be required as of the year 2010 provided the federal program to have vapor collection canisters on board each new vehicle is fully implemented.

The Stakeholders' recommendation is contingent upon all safety-related questions surrounding Stage II and on-board vapor recovery devices being addressed satisfactorily.

The Department is specifically requesting comments on the Stakeholders' recommendation as part of this rulemaking.

The statutory authority to establish Stage II throughputs and timeframes as recommended by the Stakeholders by regulation is limited by Section 6.7 of the Air Pollution Control Act (APCA) (35 P.S. §4006.7). The Department intends to seek a repeal of §6.7 of the APCA to allow implementation of the Stakeholders' recommendation by regulation.

As an alternative to repeal of §6.7 of the APCA and for newly constructed or substantially modified gasoline dispensing facilities, as a supplement to §6.7 of the APCA to implement the existing regulations at 25 Pa. Code §129.82, the Department will begin to implement the requirements of §6.7 of the Air Pollution Control Act and 25 Pa. Code §129.82 on the following schedule:

1. As of April 1, 1997, Stage II will be required to be installed and operational by all newly constructed gasoline dispensing facilities pumping an average of 10,000 gallons of gasoline per month;
2. As of April 1, 1997, Stage II will be required to be installed and operational at the reopening of any gasoline dispensing facility pumping an average of 10,000 gallons or more of gasoline per month which has been rebuilt or renovated, where tanks and associated pumping have been substantially disturbed in the rebuilding or renovation process;
3. By the end of the year 1998, Stage II will be required to be installed and operational by all stations pumping an average of 120,000 gallons of gasoline per month (based on 1995/1996 sales);
4. By the end of the year 2000, Stage II will be required to be installed and operational by all stations pumping an average of 90,000 gallons of gasoline per month (based upon 1995/1996 sales); and
5. After the year 2000, Stage II will be required to be installed and operational by all gasoline dispensing facilities regulated under §6.7 of the Air Pollution Control Act and 25 Pa. Code §129.82. Prior to beginning to enforce this provision, the Department will determine whether these additional reductions are necessary to achieve or maintain the National Ambient Air Quality Standard for ozone.

The Department discussed the regulatory revisions, Stakeholders' recommendations and implementation schedule with the Air and Water Quality Technical Advisory Committee (AWQTAC). At its January 10, 1997 meeting, the Air Subcommittee of the AWQTAC, acting on behalf of the full AWQTAC, recommended adoption of the proposed regulations and specifically requested that the Department solicit public comment on the Stakeholders' recommendation and describe the Commonwealth's enforcement strategy.

E. Summary of the Regulatory Revisions

The proposed revisions clarify the existing Stage II regulatory requirements and make these provisions consistent with

Section 6.7 of the Pennsylvania Air Pollution Control Act. The amendments to Section 129.82 incorporate the compliance dates established by the Air Pollution Control Act into the existing regulations. Finally, paragraph (d) establishes the functional testing and certification requirements consistent with EPA's regulations.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulation.

Benefits

The approximately 2.8 to 3 million people living in the seven counties affected by this regulation will benefit from the reduced ozone levels which will result from implementation of the proposed revisions.

Compliance Costs

Information developed by the Southwestern Pennsylvania Ozone Stakeholder Working Group indicates that the cost of gasoline may increase approximately 2 to 2.6 cents per gallon. Estimated annual gasoline sales in the southwest Pennsylvania area are slightly less than one billion gallons. Total cost to affected facilities is estimated to be approximately \$25 million for implementation of the Stage II requirements.

Compliance Assistance Plan

The Department plans to educate and assist the public and the regulated community with understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing regional compliance assistance program.

Paperwork Requirements

Affected facilities will be required to maintain records of compliance testing and maintenance activities. Facilities claiming to be unaffected because of the low throughput volumes will be required to maintain records to demonstrate that they are unaffected.

G. Sunset Review

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §745.5(a)), the Department submitted a copy of the proposed rulemaking on April 21, 1997, to the Independent Regulatory Review Commission and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided the Commission and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Department within thirty (30) days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulation.

I. Public Comment and EQB Public Hearing

Public Hearing

The EQB will hold one public hearing for the purpose of accepting comments on the proposed amendments. The hearing will be held on June 3, 1997, at 1:00 p.m., at the following location:

Department of Environmental Protection
Southwest Regional Office
500 Waterfront Drive
Pittsburgh, PA

Persons wishing to present testimony at the hearing must contact Nancy Roush at the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, telephone (717) 787-4526, at least one (1) week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to ten minutes for each witness and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations in order to participate, should contact Nancy Roush at (717) 787-4526 or through the Pennsylvania AT&T relay service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

Written Comments

In lieu of or in addition to presenting oral testimony at the hearing, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the EQB, 15th Floor, Rachel Carson State Office Building, P.O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by July 3, 1997. In addition to the written comments, interested persons may also submit a summary of their comments to the EQB. This summary may not exceed one (1) page in length and must be received by July 3, 1997. The summary will be provided to each member of the EQB in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

The Department is expressly seeking comment on the recommendations (discussed in Section D Background of the Proposal) of the Southwestern Pennsylvania Ozone Stakeholder Working Group relating to Stage II. The Department will be seeking an amendment to the Air Pollution Control Act to authorize development of a final regulation to implement the Stakeholders' recommendation.

Electronic Comments

Comments may be submitted electronically to the EQB at Regcomments@al.dep.state.pa.us. A subject heading the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the EQB by July 3, 1997.

By:

James M. Seif
Chairman
Environmental Quality Board

Stage II (PROPOSED)

Title 25. Environmental Resources

Part 1. Department of Environmental Protection

Subpart C. Protection of Natural Resources

Article III. Air Resources

Chapter 129. Standards for Sources

§129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

(a) After the date specified in paragraph (1) or (2), an owner or operator of a gasoline dispensing facility subject to this section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. §7511a) approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 90% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.

(1) This paragraph applies to gasoline dispensing facilities located in areas classified as moderate, serious or severe ozone nonattainment areas under section 181 of the Clean Air Act (42 U.S.C.A. §7511) including the counties of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington and Westmoreland with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. §7625a), this section will not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).

(i) Facilities for which construction was commenced after November 15, 1990 shall achieve compliance by [August 8, 1992] MAY 15, 1993.

(ii) Facilities which dispense greater than 100,000 gallons (378,500 liters) of gasoline per month, based on average monthly sales for the 2-year period immediately preceding [February 8, 1992] NOVEMBER 15, 1992 shall achieve compliance by [February 8, 1993.] NOVEMBER 15, 1993.

(iii) All other affected facilities shall achieve compliance by [February 8, 1994.] NOVEMBER 15, 1994.

(2) Gasoline dispensing facilities with annual throughputs greater than 10,000 gallons in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall be subject to the requirements of this section immediately upon the addition or replacement of one or more underground gasoline storage tanks for which construction was commenced after [February 8, 1992.] NOVEMBER 15, 1992.

(3) For purposes of this section, the term "construction" includes, but is not limited to, the addition or replacement of one or more underground GASOLINE storage tanks.

(b) Owners or operators, or both, of gasoline dispensing facilities subject to the requirements of this section shall:

(1) Install necessary Stage II vapor collection and control systems, provide necessary maintenance and make modifications necessary to comply with the requirements.

(2) Provide adequate training and written instructions to the operator of the affected gasoline dispensing facility to assure proper operation of the system.

(3) Immediately remove from service and tag any defective nozzle or dispensing system until the defective component is replaced or repaired. A component removed from service may not be returned to service until the defect is corrected. If the Department finds that a defective nozzle or dispensing system is not properly tagged during an inspection, the component may not be returned to service until the defect is corrected, and the Department approves its return to service.

(4) Conspicuously post operating instructions for the system in the gasoline dispensing area which, at a minimum, include;

(i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.

(ii) A warning that continued attempts to dispense gasoline after the system indicates that the vehicle fuel tank is full may result in spillage or recirculation of the gasoline into the vapor collection system.

(iii) A telephone number established by the Department for the public to report problems experienced with the system.

(5) Maintain records of SYSTEM TEST RESULTS, monthly throughput, type and duration of any failures of the system and maintenance and repair records ON THE PREMISES OF THE AFFECTED GASOLINE DISPENSING FACILITY. The records shall be kept for at least 2 years and shall be made available for inspection, UPON REQUEST, by the Department.

(c) If an area is reclassified from attainment or marginal nonattainment to serious, severe or moderate nonattainment under section 181 of the Clean Air Act, gasoline dispensing facilities located in the reclassified area will be subject to the requirements of subsection (a)(1). For purposes of establishing an effective date for the reclassified area, the date of the Federal Register final notice of the reclassification shall serve as the date of publication of this subsection as final in the *Pennsylvania Bulletin*.

(d) THE OWNERS OR OPERATORS, OR BOTH, OF GASOLINE DISPENSING FACILITIES SHALL COMPLY WITH THE FUNCTIONAL TESTING AND CERTIFICATION REQUIREMENTS SPECIFIED IN EPA'S STAGE II ENFORCEMENT AND TECHNICAL GUIDANCE DOCUMENTS DEVELOPED UNDER SECTION 182 OF THE CLEAN AIR ACT TO MEET THE CLEAN AIR ACT REQUIREMENTS FOR AREAS CLASSIFIED AS MODERATE, SERIOUS, SEVERE OR EXTREME OZONE NONATTAINMENT.

(1) UPON INSTALLATION OF A DEPARTMENT APPROVED STAGE II SYSTEM THE FUNCTIONAL TESTING AND CERTIFICATION REQUIREMENTS SHALL INCLUDE:

(I) A DYNAMIC BACKPRESSURE TEST UPON INSTALLATION AND EVERY FIVE (5) YEARS THEREAFTER.

(II) A LEAK OR PRESSURE DECAY TEST UPON INSTALLATION AND EVERY FIVE (5) YEARS THEREAFTER FOR VAPOR BALANCE SYSTEMS AND UPON INSTALLATION AND ONCE IN EVERY TWELVE (12) MONTH PERIOD THEREAFTER FOR VACUUM ASSIST SYSTEMS.

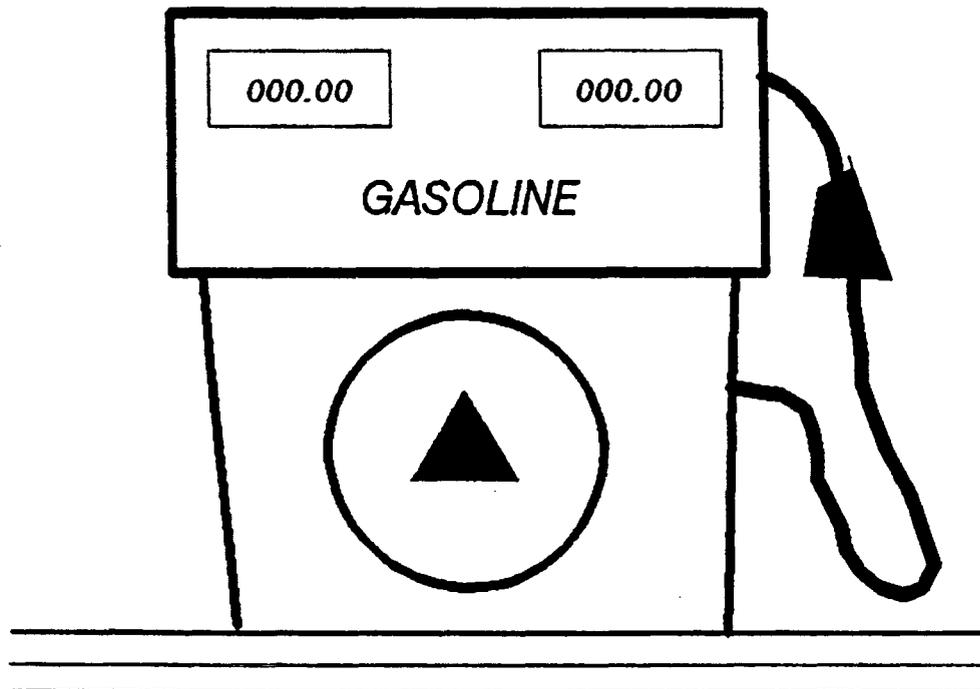
(III) A LIQUID BLOCKAGE TEST UPON INSTALLATION AND EVERY FIVE (5) YEARS THEREAFTER.

(IV) AN AIR TO LIQUID RATIO TEST UPON INSTALLATION AND EVERY FIVE (5) YEARS THEREAFTER FOR VACUUM ASSIST SYSTEMS TO WHICH THE TEST IS APPLICABLE.

(2) OWNERS OR OPERATORS, OR BOTH, OF GASOLINE DISPENSING FACILITIES SUBJECT TO THE REQUIREMENTS OF THIS SECTION SHALL PROVIDE AT LEAST 48 HOURS ADVANCE NOTICE OF WHEN THE TESTING WILL OCCUR AND WHAT PARTY WILL CONDUCT THE TESTING.

(3) THE SYSTEM MUST BE RETESTED UPON MAJOR SYSTEM REPLACEMENT OR MODIFICATION.

 **EPA ENFORCEMENT GUIDANCE
FOR STAGE II VEHICLE
REFUELING CONTROL
PROGRAMS**



OFFICE OF MOBILE SOURCES

ENFORCEMENT GUIDANCE
FOR
STAGE II
VEHICLE REFUELING CONTROL PROGRAMS

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ENFORCEMENT GUIDANCE FOR STAGE II VEHICLE REFUELING CONTROL PROGRAMS

1.0 INTRODUCTION

1.1 HISTORY AND PURPOSE OF STAGE II VAPOR CONTROLS

Gasoline dispensing pump vapor control devices, commonly referred to as Stage II Vapor Recovery Control (Stage II), are systems that were developed to control volatile organic compound (VOC) vapor releases during the refueling process of motor vehicles. This process takes the vapors normally emitted directly into the atmosphere during refueling and recycles them back into the fuel storage tanks, thereby preventing their escape into the atmosphere. The Stage II system controls the release of VOCs, benzene and toxics emitted from gasoline.

Provisions for providing for control of gasoline vapors during the fueling of motor vehicles first appeared in an October 1975 Federal Register notice and several other subsequent notices, which discussed Stage II implementation as a control strategy in the nations worst nonattainment areas. In the Clean Air Act Amendments (CAAA) of 1977, Section 202(a)(5)(A) stated that if regulations were promulgated by the Administrator, provisions for vapor control were to require specific vehicle fill area specifications for adaptability for Stage II controls. A determination of the feasibility and desirability of vehicle based refueling vapor control systems, commonly referred to as onboard controls, was also provided in the 1977 Amendments. Regulations were never promulgated under the 1977 CAAA.

Stage II technology was first introduced in San Diego, California in 1974. Since the implementation of this program, sixteen others areas that were classified as nonattainment for ozone in California implemented Stage II control programs. Most of these programs have been in operation for approximately ten years. California recently implemented control programs statewide in an effort to control benzene emissions.

There are other areas in the country that have implemented Stage II programs. The District of Columbia implemented a control program in the early 1980's. St. Louis, Missouri implemented a Stage II program in the mid 1980's. The New York City metropolitan area and the State of New Jersey phased in programs in the late 1980's. Massachusetts, Pennsylvania, Dade County, Florida and some other state and local agencies have, or are in the process of, adopting provisions for Stage II programs.

On November 15, 1990, Congress passed the Clean Air Act Amendments of 1990, Pub. L. 101 - 549 (codified at 42 U.S.C. §§7401-7601q) which contain provisions that require additional control programs. Section 182(b)(3) of the Act requires that all areas which are classified as moderate to extreme for ozone nonattainment implement a Stage II vapor recovery program as a control measure. Section 202(a)(6) of the amended Act requires the Environmental Protection Agency (EPA), "after consultation with the Secretary of Transportation regarding the safety of vehicle-based ('onboard') systems for the control of vehicle refueling emissions, promulgate standards under this section requiring that new light-duty vehicles manufactured beginning in the fourth model year after the model year

which the standards are promulgated and thereafter shall be equipped with such systems." Each of these sections and the provisions contained within them may affect the status of a state's requirement to implement a program and every state should consider each situation independently in preparing their state plan submittal.

In Section 182, the Act mandates the issuance of "guidance as appropriate, as to the effectiveness of such (Stage II) system." Two documents were prepared to respond to this mandate. A report detailing technical information on Stage II systems was prepared by EPA's Office of Air Quality Planning and Standards. That report is entitled Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities (Technical Guidance). This document, Enforcement Guidance for Stage II Vehicle Refueling Control Programs has been developed to assure these programs attain the emissions reductions they are designed to achieve.

The minimum criteria and specific requirements in this document have been modified to take into account comments received on the May 29, 1991 preliminary draft.

1.2 SYNOPSIS OF STAGE II GUIDANCE

This guidance establishes the minimum requirements for program enforcement and oversight. The guidance is divided into five areas. Each Stage II program should contain provisions for meeting or exceeding these criteria.

A successful Stage II program begins by providing information for public awareness and effective training for the regulated industry and the program oversight personnel. Successful implementation and oversight also entails identification of the regulated parties as well as ongoing monitoring of the all program operations through data analysis and other compliance monitoring mechanisms. The most important criterion for effective implementation and oversight of a Stage II program is establishment of an effective enforcement program to deter or eliminate violations which compromise the program. This guidance provides for specific implementation criteria in each of these areas.

This document provides EPA's guidance to states regarding oversight and enforcement of Stage II gasoline vapor refueling control programs at refueling facilities. This guidance is a general statement of policy. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made applying the law, applicable regulations and guidelines on the basis of specific facts and actual action.

EPA has assumed that Stage II programs which comply with these criteria will be 95% effective. States implementing Stage II programs which do not meet the criteria as set forth in this document must demonstrate why a less effective program was selected and whether a lesser level of effectiveness would be appropriate. However, since many areas have demonstrated that a program achieving 95% recovery is economically and technically feasible, the Agency does not anticipate approval of programs that are not 95% effective.

2.0 STAGE II IMPLEMENTATION REQUIREMENTS

2.1 GENERAL

All States having areas that are designated under the National Ambient Air Quality Standards (NAAQS) as nonattainment for ozone and further are classified moderate to extreme, in accordance with the CAAA requirements of 1990 section 182(b)(3)(a), are required to implement a Stage II vapor control program. However, section 202(a)(6) requires that: "Within 1 year after the date of the enactment of the Clean Air Act Amendments of 1990, the Administrator shall, after consultation with the Secretary of Transportation regarding the safety of vehicle-based ('onboard') systems for the control of vehicle refueling emissions, promulgate standards under this section requiring that new light-duty vehicles manufactured beginning in the fourth model year after the model year which the standards are promulgated and thereafter shall be equipped with such systems." In addition, section 202(a)(6) states: "The requirements of section 182(b)(3) [relating to stage II gasoline vapor recovery] for areas classified under section 181 as moderate for ozone shall not apply after promulgation of such standards and the Administrator may, by rule, revise or waive the application of the requirements of such section 182(b)(3) for areas classified under section 181 as Serious, Severe, or Extreme for ozone, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this paragraph are in widespread use throughout the motor vehicle fleet."

3.0 SPECIFICS

3.1 PARTIES REGULATED UNDER THE CAA GASOLINE VAPOR RECOVERY GENERAL RULE OF SECTION 182 (B)(3)

All gasoline dispensing facilities that dispense greater than 10,000 gallons per month (50,000 gallons per month in the case of an independent small business marketer) are subject to Stage II requirements. An independent small business marketer is defined in section 324 of the Clean Air Act. There are four exemptions mentioned in the section concerning independent small business marketers. EPA will be issuing policy statements interpreting the four exemptions. Until EPA issues a formal interpretation, states should realize that Congress intended that those small businesses that are refiners, controlled by refiners, or affiliated with refiners (by more than just a trademark or symbol) not be exempt from the Stage II program.

3.2 DETERMINATION OF REGULATED FACILITIES

A gasoline dispensing facility's responsibility for installing Stage II is based on the average volume of product dispensed per month. A facility that dispenses more than 10,000 gallons per month must install Stage II controls. If a gasoline dispensing facility is classified as an independent small business marketer, the State may establish a cut-point as high as 50,000 gallons per month. The criteria which mandates the installation of Stage II equipment under the CAA is determined by calculating the average volume of product dispensed per month for the 2 year period preceding the adoption date of the requirement by the state.

However, each state may establish different cut-points so long as they are as stringent or more stringent than those required by the statute. If a gasoline dispensing facility was inactive for any period during the 2 year calculation period, the period should be extended to include a total of twenty four months of activity, or the state should use the months of actual operation to calculate the facility's average gallons per month.

3.3 DATES FOR INSTALLATION OF STAGE II CONTROLS AT REGULATED FACILITIES

Section 182(b)(3)(B) of The Act establishes three deadlines for installation and use of Stage II controls, once the state adopts the Stage II requirement:

- (a) Facilities¹ which begin construction after November 15, 1990 must comply with Stage II requirements within 6 months after the state adopts Stage II.
- (b) Facilities which dispense 100,000 gallons or more of gasoline per month must comply within 1 year after state adoption.
- (c) All other facilities must comply, in accordance with the Acts requirements, within 2 years after adoption.

These are statutorily required dates for installation of Stage II controls. However, the state has discretion to alter these dates so long as the deadlines are not less stringent.

In addition, for independent small business marketers (ISBMs) states can also choose to opt for a three-year phase in period. The ISBMs schedule, according to section 324 is:

- (1) 33 percent of such outlets must be in compliance at the end of the first year after state adoption,
- (2) 66 percent at the end of the second year after state adoption, and
- (3) 100 percent by the end of the third year after state adoption.

For ISBMs, the State may elect to follow the general schedule in Section 182(b)(3)(B), the optional schedule in Section 324, or any schedule that is not less stringent.

¹ Facility (facilities) - Hereinafter the term facility will be used to refer to a gasoline dispensing facility (facilities).

4.0 PROGRAM EMISSION REDUCTION DESIGN REQUIREMENTS

4.1 CONTROL SYSTEM DESIGN REQUIREMENTS

The control system minimum efficiency design requirements are contained as part of the General Preamble of Title I. The states that have installed and are operating Stage II controls have demonstrated that 95 percent control of VOC emissions is practicable. Therefore, EPA does not anticipate approval of a state requirement that would achieve less than 95 percent control. As an alternative to testing each facility for 95 percent control effectiveness, states may require installed Stage II systems to be certified to achieve at least 95 percent control by either the California Air Resources Board (CARB), or by using CARB test procedures and methods or equivalent test procedures and methods developed by the state and submitted as part of the SIP.

4.2 SYSTEM CERTIFICATION REQUIREMENTS

- (a) An approved system should be tested and certified as meeting a minimum of 95% emission reduction efficiency by one of the three criteria established in section 4.2 (b). In addition to requiring installation of an approved certified system, the installation and operations of each facility's systems should be tested in accordance with the requirements specified in Sections 8.2.1 and 8.2.2.
- (b) For EPA to accept a Stage II Program in the SIP submittal process, the approved system(s) must demonstrate 95% minimum efficiency either by:
 - (1) being tested and approved by California's Air Resources Board (CARB) past, current or future recognized testing methods, or
 - (2) be an equivalent testing program adopted by the state, conducted by the Program Oversight Agency (POA)² or by a third party recognized by the POA and submitted and recognized by EPA in the SIP, or
 - (3) be an approved CARB system.

² Program Oversight Agency (POA) - The POA is the state agency, or an agency or other representative that has been delegated the responsibility by the state, to oversee implementation and operation of the program and to enforce the requirements of the program. If the program is delegated to some other authority, the state has the responsibility of assuring the other authority is effectively overseeing and enforcing the program.

5.0 ENFORCEMENT PROGRAM MINIMUM CRITERIA

5.1 GENERAL

Each Stage II program should meet or exceed the criteria established in this guidance document. The five areas of program guidance are noted and defined below. The Stage II Program should contain provision for:

- (a) TRAINING AND PUBLIC EDUCATION PROGRAMS.
- (b) A METHOD TO DETERMINE WHICH FACILITIES COMPRISE THE REGULATED UNIVERSE.
- (c) DATA COLLECTION AND REVIEW TO MONITOR COMPLIANCE AMONG REGULATED FACILITIES.
- (d) PERIODIC INSPECTION OF REGULATED FACILITIES TO INSURE COMPLIANCE WITH PROGRAM REQUIREMENTS.
- (e) A METHOD TO ENSURE REGULATED FACILITY COMPLIANCE WITH PROGRAM REQUIREMENTS THROUGH ENFORCEMENT MECHANISMS.

The following section generally defines these criteria.

5.2 STAGE II ENFORCEMENT GUIDANCE PROGRAM CRITERIA

(a) TRAINING AND PUBLIC EDUCATION

1. The Program Oversight Agency (POA) should develop and implement an effective training program for its inspectors. The training should include, at minimum, instruction in all program requirements and inspection procedures (visual and functional inspection practices and testing methods) and a written and practical test to verify proficiency with the information and procedures.

2. The POA should require that all manufacturers of equipment used in a Stage II system provide training on the operation and maintenance requirements for that equipment or the POA should provide training or authorize an educational institution to provide training on the equipment. A facility representative (an owner, facility manager or designated employee) should attend this training for the Stage II equipment that they select for installation on their facility premises. Verification, such as a certificate of attendance of the training, should be obtained by the attendee within three months of the initiation of operations of the facility equipment and be maintained on the facility premises. The facility representative that completed the training is then responsible for informing all facility employees about the equipment operation and maintenance.

3. The POA should develop and distribute to all regulated facilities written information regarding the purpose and benefits of a Stage II program. The information should also include enforcement consequences for non-compliance with program requirements. The information should be conveyed in terms easily understood by the owners and operators of the regulated facilities, their employees and by the general public.

4. The POA should develop information on the Stage II program purpose, benefits and requirements and make that information available for public distribution.

(b) A METHOD TO DETERMINE WHICH FACILITIES COMPRISE THE REGULATED UNIVERSE

The Clean Air Act, as amended in 1990, sets out the sources which, at a minimum, must be subject to the Stage II requirements. However, the States have authority to change those requirements as long as the statutorily required gasoline dispensing facilities are covered. Hence, the POA must establish a method to accurately determine which facilities must comply with the Stage II program requirements.

(c) DATA COLLECTION TO MONITOR COMPLIANCE AMONG REGULATED FACILITIES

The POA should verify compliance by regulated facilities by insuring through data collection, as well as inspections, that the facilities have installed the required equipment, that the equipment has been tested and proved to be functional and that the equipment is properly maintained and updated in accordance with the program requirements. This can be accomplished through collection of data such as applications, permits or other documents and through inspections.

(d) PERIODIC INSPECTIONS OF REGULATED FACILITIES TO INSURE COMPLIANCE WITH PROGRAM REQUIREMENTS

The POA should verify compliance among regulated facilities by conducting a minimum of 1 compliance inspection per facility per year with mandatory follow-up at stations with violations. The compliance inspection should consist of visual verification of all necessary paperwork, labels, public information and Stage I and II equipment. Stage I equipment is interrelated with the operational effectiveness of the Stage II systems. If the Stage I equipment on the facility premises is disabled or malfunctioning, emissions captured through the Stage II equipment may be released. Inspection of the Stage I seals and covers should be included as part of the Stage II inspection process. Therefore, verification of the presence of the Stage I equipment at the facility is a vital part of the inspection. A visual inspection for all mandatory labels and Stage II system parts should be conducted on all gasoline dispensing pumps. The compliance inspection should also consist of a determination of whether each facility's Stage II system is operating properly. Functional tests should be conducted at regulated facilities in accordance with the schedule for testing facility equipment as established in this document. If inspection results indicate a potential problem, more intensive system analysis should be initiated for problem identification. If

there is a problem with the equipment, it should be corrected before operation can be continued.

(e) A METHOD TO ASSURE REGULATED FACILITY COMPLIANCE WITH PROGRAM REQUIREMENTS THROUGH ENFORCEMENT MECHANISMS

The POA should develop a penalty schedule which establishes appropriate penalties for facilities violating the Stage II requirements. These penalties may include administrative, civil and criminal penalties that will deter or eliminate non-compliance with the Stage II requirements. The enforcement process should include provisions for warnings, notices of violations, cease and desist orders, monetary penalties, and revocation or suspension of a facility's license to operate. The penalty schedule should account for severity of the violation, intent, frequency of violations, and other aspects affecting the penalty. The penalties that are established should ensure recovery of any economic benefit associated with the violation, plus recoup an additional amount which serves as a deterrent to regulated parties. The policy should also recognize that penalty assessment should provide for fair and equitable treatment of the regulated community and for swift resolution of environmental problems.

SPECIFIC PROGRAM CRITERIA

6.0 TRAINING AND PUBLIC EDUCATION

GENERAL

As established in section 5.1(a), the POA should develop and implement an effective training and testing program for its inspectors which will provide for and demonstrate knowledge and proficiency of all Stage II program requirements and procedures. Also, the owners and operators of the equipment should be trained in the operation and maintenance of their facility's Stage II equipment. The owners and operators should be held responsible for the proper operation and maintenance of the facility equipment by all parties authorized to operate the equipment, including the general public.

6.1 POA TRAINING AND TESTING REQUIREMENTS FOR POA INSPECTORS

The training of POA personnel is vital to an effective control program. All POA inspectors should be able to understand and implement all programmatic requirements. A thorough training program should be designed and implemented. The training program should cover, at a minimum, the following subject areas:

- (a) Purposes and effects of Stage II vapor control programs,**
- (b) System types, parts, operations and functions,**

- (c) **Inspection requirements, both procedures and practices,**
- (d) **Identification techniques of system and equipment failures, both visual and functional,**
- (e) **Record review and recording procedures,**
- (f) **Enforcement procedures including issuance of warnings, NOVs, hearing testimony, and other enforcement procedures.**

All POA inspectors should attend training sessions and demonstrate their knowledge and proficiency with all areas required in this section. The training program should consist of at least 40 hours of training that includes both classroom and practical field training. A written and practical test should be developed and administered during the training process. The POA should ensure that the established passing score accurately demonstrates that the trainee has the knowledge and proficiency to be an effective inspector. The criteria for this training and testing should be specified in the state SIP submittal. If substantial advances in system/equipment technology is made, periodic retraining of all POA inspectors should be conducted in order to educate the POA personnel on any new inspection practices, policies and procedures. Training institutions can be utilized for training purposes, however training should be developed and approved under the POA's guidance. The POA may also elect to conduct the training "in-house".

6.2 FACILITY OWNER/OPERATOR TRAINING ON STAGE II EQUIPMENT

At least one owner/operator from each facility should receive training in the categories listed in this section. For each person who receives training, a certificate or other proof of training must be required. Training should include, but need not be limited to, the following areas:

- (a) **Purposes and effects of the Stage II vapor control program,**
- (b) **Equipment operation and function specific to their facility's system,**
- (c) **Maintenance schedules and requirements for the facility's equipment,**
- (d) **Equipment warranties,**
- (e) **Equipment manufacturer contacts (names, addresses and phone numbers) for parts and service.**

Acceptable forms of training can include either equipment manufacturer's seminars, POA training sessions or other arrangements determined to be effective. The POA should either develop and provide this training or accept equipment manufacturer seminar/training with proof of attendance or completion. If manufacturer provided training is accepted, it should be evaluated and confirmed to include the minimum training requirements specified in the

SIP. The POA should monitor any and all training to evaluate its effectiveness and require updated training when significant changes in equipment or program requirements occur. It is the responsibility of the facility owner/operator to ensure that at least one facility representative attend this training and to make every current and future facility employee aware of the purposes of the equipment and the correct operating procedures. The facility representative should attend the required training within three months of the initiation of operation of the facility equipment. However, it is suggested that the facility representative obtain the training prior to the initiation of operation of the system. If the facility representative who received the initial training/certificate leaves that facility, another facility representative must take and successfully complete the training and maintain the certificate on the facility premises.

6.3 POA EDUCATION OF REGULATED FACILITIES

The POA should prepare information on the purposes and benefits of Stage II vapor controls and distribute this information to all regulated facilities. The information should include, but is not limited to:

- (a) The general purposes and benefits (environmental, health, safety, and potential costs savings) of the Stage II vapor control program,**
- (b) The specific program requirements,**
- (c) Potential enforcement consequences for non-compliance,**
- (d) Information on the program oversight agency including office address, phone number and other pertinent information.**

Posters, signs, pamphlets and other information tools, if properly developed, distributed and displayed, have been found to be very effective tools in educating gasoline dispensing facility employees as well as the public.

6.4 GENERAL PUBLIC EDUCATION

The POA should prepare, and make available to the general public, information on the Stage II vapor control program. The information should be easily understood by the general public and include, but need not be limited to the following:

- (a) The purposes and benefits (environmental, health, safety, and potential cost savings) of the Stage II vapor control program.**
- (b) A general explanation of how Stage II systems function.**
- (c) The correct procedures for operation of Stage II equipment.**

- (d) **Information on the program oversight agency, including office address, phone number and other pertinent information for public inquiry, comments and complaints.**

Provisions for other public education should also be considered. Television, radio, newspapers and other media sources have been effective in providing basic program information to the public, especially during initial program implementation.

7.0 DETERMINATION OF THE REGULATED UNIVERSE

The POA must, in accordance with the Clean Air Act Amendment requirements, which are generally noted in sections 3.1 through 3.4, accurately determine which gasoline dispensing facilities must comply with the Stage II program requirements. Several methods have been utilized to make the determination of which gasoline dispensing facilities may be required to comply with Stage II vapor control program requirements. Each area should determine the most accurate method for determining what comprises the potentially regulated universe. If a regulated facility disagrees with the POA's determination, documentation noting the dispute can be submitted to the POA. The regulated facility should be required to submit information verifying the proposed exempt status. The POA should verify the accuracy of the documents before any final determination is made.

Once all potential facilities are identified, a determination of which facilities meet all of the requirements for mandatory compliance must be made. This determination must be made, at a minimum, in accordance with the size and throughput calculations required in section 3.1 of this document. However, more stringent throughput calculations can be used.

Once this determination is made, a program to accurately track facilities in the regulated universe must be developed and maintained. A facility required to be regulated is a facility that meets all of the requirements, at a minimum, established by section 182(b)(3) of the CAAA of 1990. Once a facility is part of the regulated universe, the facility should be required to maintain the Stage II equipment.

States may choose to require that all facilities dispensing gasoline install and operate Stage II controls. A provision for states to adopt and enforce more stringent requirements with respect to independent small business marketers of gasoline is included in section 324(b) of the CAA. This section provides that the Administrator may approve state Stage II programs which require compliance by gasoline dispensing facilities with monthly sales volumes less than what the Clean Air Act stipulates. The state should closely evaluate not only the environmental consequences of adopting more stringent controls but should also consider the potential impact on the regulated industry and the POA oversight capabilities.

8.0 PROGRAM COMPLIANCE MONITORING

8.1 VERIFICATION OF FACILITY COMPLIANCE THROUGH RECORD KEEPING

8.1.1 REQUIREMENTS FOR REGULATED FACILITIES

The POA should track facility compliance by requiring that regulated facilities maintain various types of records. The POA is responsible for developing and distributing these forms prior to the facility coming under the program's oversight and updating these record keeping forms. All regulated facilities should be required to apply for all necessary permits, licenses, or records required to be maintained by the POA. The records should be required to be kept on the facility premises in an easily accessible location for review by the POA officials. The records should be accurate and up to date and be maintained in accordance with the following criteria:

(a) PERMITTING RECORDS

Any and all permits to operate a facility or a specific system at a facility should be required to be current and be available for review at the facility during a facility inspection.

(b) STATION OPERATING LICENSE

Any and all licenses to operate a facility or a specific system at a facility should be required to be current and available for review at the facility during a facility inspection.

(c) SYSTEM INSTALLATION AND TESTING RESULTS

All facilities should be required to verify that the Stage II system meets or exceeds the requirements of a Liquid Blockage Test or Leakage Test, as discussed in section 8.2.1 and 8.2.2 and as described in section 8.4.2 (b), or other applicable tests specific to a Stage II system. The test results should be dated and should note the installing and test companies' names, addresses and phone numbers.

(d) STAGE II SYSTEM MAINTENANCE RECORDS

Any maintenance conducted on any part of a regulated facility's system should be required to be logged on a maintenance record. This record should be maintained on the facility premises. This maintenance record should include a general part description, the date repaired or replaced, the replacement part manufacturer's information, a general description of the part location in the system (i.e. pump number etc.) and a description of the problem. The POA should develop and make available to all regulated facilities, maintenance recording forms for tracking this information.

(e) INSPECTION RECORDS

The regulated facility should be required to maintain on the facility premises, a file of all inspection reports issued by the POA. The file should be organized chronologically.

(f) COMPLIANCE RECORDS

The regulated facility should be required to maintain on the facility premises a file of all compliance records including warnings, notices of violations, and other compliance records issued by the POA to the regulated facility. The file should be maintained separate from the inspection file and be organized chronologically.

(g) TRAINING CERTIFICATION

The regulated facility should be required to maintain on the facility premises proof of attendance and completion of the training specified in the SIP (in accordance with section 6.2).

3.1.2 POA RECORD KEEPING REQUIREMENTS

The POA should develop and update as required, accurate, up-to-date records and files of all facility and program related information including, but not limited to:

(a) A General Station File which should include the following information; the facility name, address, phone number, owner and operator names, a POA assigned reference number, the date of initial compliance with implementation requirements and the Stage II system type information. Other station specific information, such as the number of pumps, could be included at the POA's discretion.

(b) A Station Inspection Report File which should be filed by assigned reference number and/or alphabetically. The reports should be maintained in chronological order. Each inspection report must include the date of the inspection, the POA inspectors' name, number and signature, any findings such as equipment failures, follow-up action to be performed, a notation of any violations, and a signature from the facility owner or operator. Other information may be included at the discretion of the POA.

(c) A Station Enforcement File which includes any related documents issued to the regulated facility such as warnings, NOVs, hearing summaries, suspensions and revocations of permits to operate and/or construct, and penalties assessed and collected. The reports should be maintained in chronological order.

File information can be computerized if the POA chooses to use such a system. This will enable the POA to reference material quickly and expedite their procedures. Hard copy files should also be maintained for original, signed forms and for other information which is unable to be stored in the computer filing system.

8.2 FACILITY EQUIPMENT REQUIREMENTS FOR INSTALLATION AND TESTING

8.2.1 INFRASTRUCTURE SYSTEM EQUIPMENT

All underground plumbing, pumps, vents and other underground equipment specific to a vapor recovery system must comply with any and all system-related certification requirements, all other state, local and federal guidelines pertaining to Stage II and any other regulations, guidelines or requirements which affect the regulated facility's business operations, including Stage I requirements.

The regulated facility should also verify proper installation and function of the equipment. The POA should require that all installation and/or testing businesses meet certain minimum criteria to conduct any tests required for verification of equipment compliance. Verification of proper installation and function should be conducted by either the POA or an installation company or another business meeting the minimum criteria established by the POA to conduct such tests. The POA may elect, for verification purposes, to accept a registered professional engineer's seal of approval as one method of verifying proper installation and function. Mandatory Liquid Blockage testing and a Leak Test should be required on systems when applicable to such systems. Testing should be encouraged in order to verify proper installation of the infrastructure plumbing before the above ground equipment is installed. Testing should be required to be conducted once all of the equipment is in operational condition at the gasoline dispensing pumps, verifying proper installation and function of the entire system. If the POA does not elect to conduct the initially required testing, the regulated facility should be required to notify the POA, at least two days in advance of the testing, when the testing will occur and what party will conduct the testing.

In addition, each facility should be required to recertify the function of the Stage II equipment at least every five years or upon major system replacement or modification or which ever occurs first. This recertification requires a Leak Test (on applicable systems) as noted in section 8.4.2(b) or other tests necessary to assure compliance on other system types, and any and all other functional tests that are required for the initial system certification. A major system modification should be considered to be replacing, repairing or upgrading 75% or more of the facility's Stage II equipment.

8.2.2 ABOVE GROUND SYSTEM EQUIPMENT

All equipment must meet the requirements for a certified system. The above-ground equipment must be compatible with the infrastructure equipment and be tested for proper installation and function. Applicable tests should be conducted on each system verifying proper installation and operation of the equipment before licensing or permitting can occur. Test methods should include, but not be limited to, Leak Tests, Liquid Blockage testing and a test of nozzle auto shut-off mechanisms and flow prohibiting mechanisms (if equipment is designed with the device or devices) to determine if the mechanisms are

operating properly. The testing on the above-ground equipment should only be conducted when the equipment is fully installed and ready for operation.

All new programs should consult with any implementation information and guidance referenced in the Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities and any other policy or guidance issued by the EPA regarding the implementation of Stage II programs.

Because Stage II technology will continue to improve in the areas of efficiency, durability and ease of use, POA's should encourage existing facilities, conducting substantial repairs or replacements, to upgrade the facility equipment. Reducing life-cycle costs, increasing operational efficiency and increasing employee and customer satisfaction are incentives that should be considered for upgrading facility equipment.

Retrofitting certified equipment with non-certified parts, rebuilt parts, or aftermarket non-original equipment manufacturer (OEM) parts should be prohibited unless the aftermarket parts manufacturer or re-manufacturer demonstrates that the replacement part does not degrade the system's original efficiency or durability. The POA should establish a mechanism for testing and/or approving aftermarket or rebuilt replacement parts before substitutions of OEM parts can be approved. Certification or approval mechanisms should consider efficiency, durability and enforcement oversight implications. The POA could consider approval mechanisms that afford reasonable approval costs with assurance that the approved parts do not reduce or degrade the system efficiency or durability. CARB currently tests and approves aftermarket replacement parts and the POA can opt for accepting replacement parts approved by the CARB program.

8.3 PROGRAM OVERSIGHT AGENCY EQUIPMENT

The POA should possess and utilize the equipment necessary to verify compliance by regulated parties. The verification of the proper certified system and verification of proper function should be confirmed through the inspection process. The POA should possess, at a minimum, equipment to accomplish these tasks. The list of necessary equipment includes the following:

- Protective Clothing (gloves/eye protection)
- POA official identification/business cards
- All necessary forms (inspection/compliance)
- All testing apparatus (measuring tools and any other testing kit required to perform functional tests)

8.4 REGULATED FACILITY INSPECTIONS

GENERAL REQUIREMENTS

The POA must conduct a minimum of 1 compliance inspection, per facility per year, with mandatory follow-up at facilities that are found to be in violation. The compliance inspection should consist of the inspection of records, as required in section 8.1, and facility equipment, as required in section 8.2. Functional testing of equipment should also be performed. This section establishes the recommended minimum requirements for the compliance inspections.

8.4.1 REQUIREMENTS FOR INSPECTION OF FACILITY INFRASTRUCTURE BY THE POA

The POA should reserve the right to conduct facility system testing. If the POA elects to conduct the testing, the requirements of section 8.2.1 will apply as the POA requirements and procedures. If the POA does not elect to conduct the initial testing for system certification, permitting or licensing, then the POA should verify that the facility has complied with all of the requirements of section 8.2.1 through record review of the testing results and through the process of issuing permits or licenses.

8.4.2 REQUIREMENTS FOR INSPECTIONS OF FACILITY ABOVE GROUND EQUIPMENT BY THE POA

The POA should visually inspect all system equipment and verify that the system installed is the one licensed or permitted for that facility and, that the system in all respects maintains the specific certified configuration. The inspection should consist of a visual inspection of each pump, pump instruction label, nozzle, hose and any attached or related system parts and other Stage II system equipment listed, but not limited to, the equipment noted in section 8.4.2(a). Applicable functional tests should also be conducted on the Stage II equipment to verify compliance and assess program effectiveness. The testing should be conducted according to, but not limited to, the requirements noted in section 8.4.2 (b).

(a) VISUAL INSPECTION REQUIREMENTS FOR COMPLIANCE INSPECTIONS

The visual inspection should include, but not be limited to:

(1) Verification that all equipment is present and maintains a certified system configuration and is in proper working order. The equipment includes, but is not limited to, nozzles and nozzle parts (faceplate or facecone, bellows, springs, latches, check valves), hoses, hose hangers/retractors, flow limiters, swivels, collection units, control panels, system pumps, processing units, vent pipes and any and all other system-related parts. A list of general violations and equipment-related violations is noted in attachment 3. The list is not inclusive and should be expanded and coordinated with the POA's established penalty schedule.

The following is a list of functional tests proven effective in the analysis of Stage II systems operation and in determining equipment-related problems.

DYNAMIC BACKPRESSURE TEST

The Dynamic Backpressure test (DBT) is used to quantify the dynamic backpressure in the vapor path from the nozzle to the storage tank. (For a draft example test procedure derived from CARB test procedure specifics, refer to attachment 1). The DBT simulates backpressure created during the vehicle refueling process by passing nitrogen through the system at a constant rate. The system is designed to have a minimum and maximum backpressure and any drop in the pressure indicates a leak in the path while exceeding the maximum indicates a blockage. This test is applicable for all balance or Hirt vacuum assist systems.

LEAK TEST

The Leak Test (LT) procedure is conducted to quantify the vapor tightness of a system. A leak in the system may cause excessive vapor emissions or reduce the system's efficiency. The check requires pressurizing the system to 10 inches water column and allowing the system to decay for several minutes. (For a draft example test procedure derived from CARB test procedure specifics, refer to attachment 2.) This test procedure is applicable to the balance and vacuum assist systems.

LIQUID BLOCKAGE TEST

The Liquid Blockage Test (LBT) is virtually the same test as the DBT except a liquid blockage is introduced into the system. The procedure attempts to create a blockage in the vapor piping by introducing gasoline into the system at the dispenser. After the gasoline has been introduced (enough to create a blockage if the system has any low points) gaseous nitrogen is then introduced at specified flow rate. If sufficient resistance to flow is encountered and the pressure drop exceeds established limits, the conclusion is that there is an unacceptable low point in the piping. If the pressure is measured within the allowable limits, then the system is operating effectively.

9.0 PENALTIES

9.1 GENERAL REQUIREMENTS FOR PROGRAM PENALTIES

As required in section 5.2 (e), the POA should invoke penalties that, at a minimum, ensure compliance with all program requirements. A penalty schedule should be developed to assure this. This schedule of penalties for violations of program requirements should include, but need not be limited to:

- (a) Notices of Violations
- (b) Warnings

(2) Verification of the presence of all Stage II instruction labels and signs and program information required in section 5.2 (a) and (d).

(3) Inspection of all files, permits and licenses and verification that the facility has complied with all record keeping requirements. Also, inspect files to ensure that the facility has complied with maintenance requirements and any and all other requirements established in this document.

(4) Observation of the use of the equipment by facility operators and the public to determine if the equipment is functioning properly and/or being operated correctly. These observations should include dispensing units, processors and handling units, and any other systems-related equipment.

(5) Thorough preparation of all inspection report forms and compliance forms when a violation is identified.

(6) All related equipment, such as Stage I equipment, must be checked according to established state, local and federal Stage I inspection procedures and requirements.

(b) **FUNCTIONAL TESTING REQUIREMENTS FOR COMPLIANCE INSPECTIONS**

Functional testing should be conducted by the POA in accordance with the following criteria:

(1) A functional test of the required shut off or flow prohibiting mechanisms should be conducted on any nozzle which is believed to have a problem or if it is believed that the system equipment may not include the required system shut off or flow prohibiting mechanisms. When possible and applicable, close observation of vehicles during the refueling process is allowed to determine some of these functions.

(2) The POA should verify that each facility has complied with the Leak Test (LT) requirements specified in section 8.2.1. Functional Leak Test testing by the POA is not required during the normal annual inspections. The POA retains the option of conducting or requiring the facility to conduct the LT as part of compliance assurance activities.

(3) A Dynamic Backpressure test (DBT) should be conducted at each facility (where the test is applicable to the system), during the annual compliance inspection. The DBT is not required during follow-up inspections unless the test is required to verify that violations have been corrected.

(4) The POA should verify facility compliance with the Liquid Blockage Test (LBT) requirements as specified in section 8.2.1 by reviewing the station records or testing files. Functional LBT testing by the POA is not required but the POA retains the option of conducting the LBT as part of the compliance assurance activities.

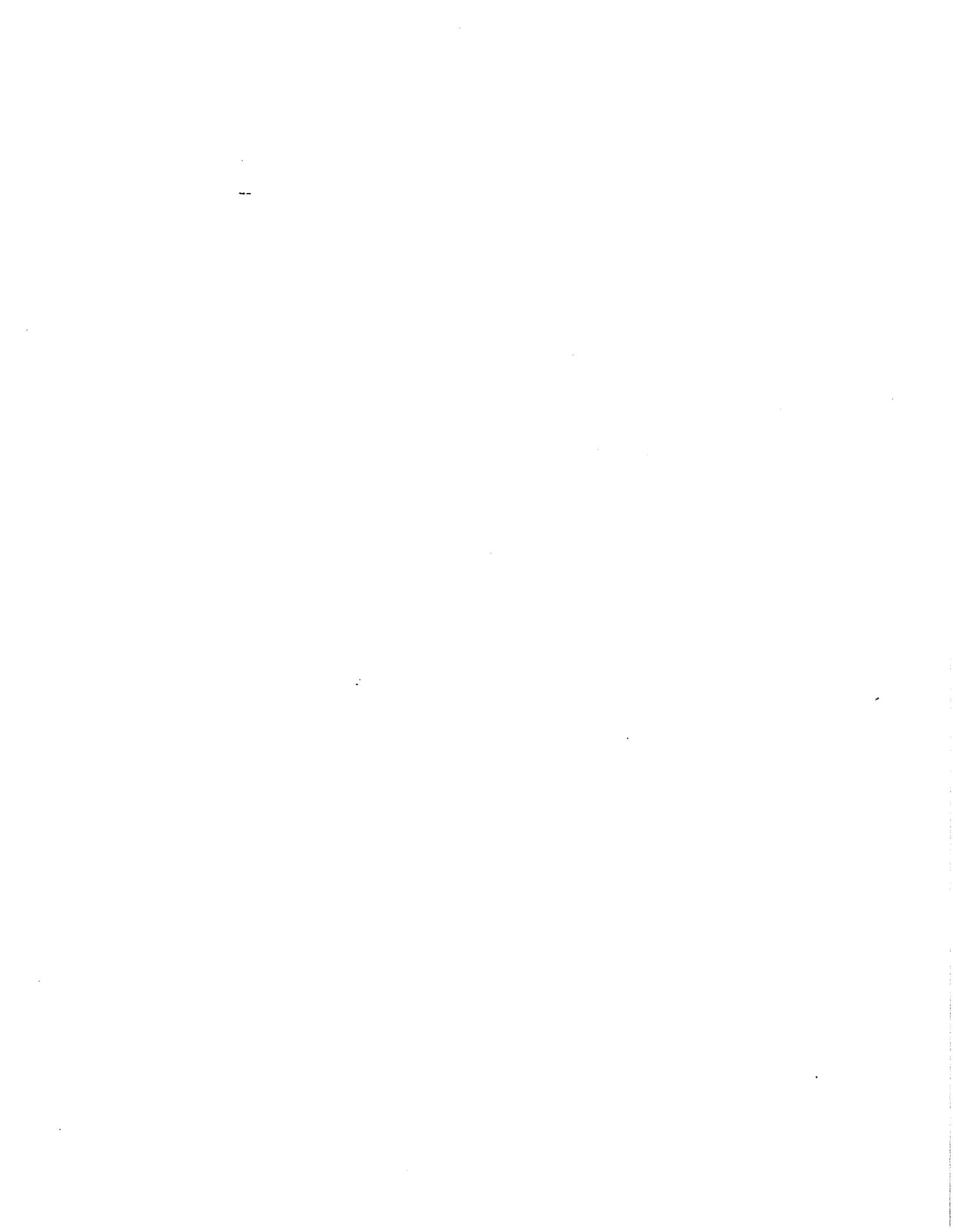
- (c) **Cease and Desist Orders**
- (d) **Suspension of license or permit to operate**
- (e) **Revocation of license or permit to operate**
- (f) **Monetary fines**
- (g) **"Red Tagging" Equipment (Prohibiting equipment operation until repair is completed)**

Provisions for civil and criminal penalties should also be considered as possible deterrence mechanisms. If the penalties available to the POA do not sufficiently deter violations and non-compliance continues, alternative penalties must be pursued. The state must assure compliance in order to continue to receive the SIP credits provided for by the program.

The Penalty Schedule should account for severity of the violation, intent, frequency of violations, and other factors.

The penalties that are established should ensure recovery of any economic benefit associated with the violation, plus imposition of an additional amount that will serve as a deterrent to regulated parties. The policy should also recognize that penalty assessment should provide for fair and equitable treatment of the regulated community and for swift resolution of environmental problems.

Penalties should be established for, but not be limited to, violations listed in attachment 3. This list is in no way inclusive of all possible violations.



**Missouri's Evolution of Stage II Vapor Recovery Tests
National Stage II Vapor Recovery Conference
October 18, 19, 1995
Denver, Colorado**

Outline

- I. Missouri and Stage I and II "The Beginnings"
 - A. Stage I in St. Louis and Kansas City
 - B. Stage II in St. Louis
- II. Testing, CARB Test Methods
 - A. Back Pressure Blockage Test
 - B. Leak Decay Test
- III. Missouri's First Test Methods
 - A. Back Pressure Blockage Test
 - B. Leak Decay Test
 - C. Few and Far Between
- IV. Side Note: Missouri's Enforcement Process
- V. Improved Station Compliance - Improved Inspections
- VI. CARB and AQMD Question Efficiency of Bellowless
- VII. Missouri's BVA on Bellowless (Vapor Assist) Systems
 - A. MDNR Hires Consultant to Develop Performance Efficiency Test (PET)
 - B. PET Protocol Due October 21, 1995
 - C. St. Louis Ozone Problems In 1994 and 1995
 - D. Authority of MDNR to test
 - E. Conclusion

SOUTHWEST



WORKING GROUP
FINAL REPORT

January 16, 1997



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

April 21, 1997

The Secretary

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown II
Harrisburg, PA 17101

RE: Proposed Rulemaking - Control of VOCs from Gasoline
Dispensing Facilities (Stage II) (#7-320)

Dear Bob:

Enclosed is a copy of a proposed regulation for review by the Independent Regulatory Review Commission pursuant to the Regulatory Review Act. Section 5(b)(3) of the Act provides that the Commission shall have 30 calendar days from the closing date of the public comment period to notify the Department of any objections.

The Department of Environmental Protection will provide the Commission with any assistance it may require to facilitate the review of this proposed regulation. If you have any questions regarding this proposal, please contact Sharon Freeman, Regulatory Coordinator, at 783-1303.

Sincerely,

James M. Seif
Secretary

Enclosure

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 7-320

07 APR 21 11 11 AM '97

SUBJECT: Control of VOCs from Gasoline Dispensing Facilities (Stage II)

AGENCY: Department of Environmental Protection

TYPE OF REGULATION

X Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
<u>4/21/97</u>	<u>Yori K. Comp</u>	HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
<u>4/21</u>	<u>Linda Van Buren</u>	SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
<u>4/21/97</u>	<u>M. Delnett</u>	INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL
<u>4/21/97</u>	<u>Mary Stanger</u>	LEGISLATIVE REFERENCE BUREAU