

Executive Summary

Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II)

25 Pa. Code Chapters 121 and 129

Purpose and Summary of the Proposed Rulemaking

The Department of Environmental Protection (Department) proposes amendments to Chapters 121 and 129 (relating to general provisions; and standards for sources) as set forth in Annex A, for consideration by the Environmental Quality Board (Board). This proposed rulemaking would amend air quality regulations relating to control of volatile organic compound (VOC) emissions during loading of underground gasoline storage tanks (UST) (“Stage I” vapor recovery), during filling of motor vehicles at the pump (“Stage II” vapor recovery) and during and after decommissioning of Stage II vapor recovery equipment from gasoline dispensing pumps. This proposed rulemaking would also add and amend related definitions. This proposed rulemaking would amend sections 121.1, 129.61 and 129.82 (relating to definitions; small gasoline storage tank control (Stage I control); and control of VOCs from gasoline dispensing facilities (Stage II)), and add sections 129.61a and 129.82a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control; and requirements to decommission a Stage II vapor recovery system).

This proposed rulemaking would require that air quality emission control systems that cause unnecessary excess emissions be removed from gasoline dispensing facilities (GDFs), while ensuring that excess emissions are not caused during removal or over the long-term. The Stage I and Stage II vapor recovery systems that would be affected control VOCs and air toxics (including benzene) emitted from gasoline at GDF. VOC emissions are precursors to the formation of ground-level ozone, a public health and welfare hazard. Air toxics are hazardous air pollutants.

Significant to the protection of air quality are the vapor leak monitoring procedures and other emission control requirements for small gasoline storage tanks that would be required under proposed section 129.61a. These requirements would apply in the 5-county Philadelphia area (consisting of Bucks, Chester, Delaware, Montgomery and Philadelphia Counties) and the 7-county Pittsburgh area (consisting of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties). The proposed protections under section 129.61a would help ensure that ozone pollution in these challenging ozone pollution areas does not increase upon decommissioning of Stage II equipment under proposed § 129.82a.

For many years, the Department has required Stage II vapor recovery system installation and implementation in these 12 counties under section 129.82. In this proposed rulemaking, however, amendments would be made to this section to end the requirement to install Stage II vapor recovery systems. Under proposed section 129.82a, the removal of Stage II “vapor balance” vapor recovery systems would be authorized and would *require* removal in the 12 counties of the more prevalent Stage II “vacuum assist” vapor recovery systems. “Vacuum assist” systems cause air quality disbenefits they are used to refuel vehicles equipped with an onboard refueling vapor recovery (ORVR) system. Vehicles equipped with ORVR systems are now in widespread use Nationwide.

Other proposed amendments are the new and amended definitions under section 121.1 that would be helpful to implementing the proposed rulemaking. The remaining proposed amendments would clarify Stage I vapor recovery system requirements under section 129.61.

Reductions in VOC emissions that are achieved following the adoption and implementation of VOC emission control measures for stationary sources of VOC emissions will enable the Commonwealth to make progress in attaining and maintaining the 1997, 2008, and 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS).

Consistent with section 4.2(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. §4004.2(a) (relating to permissible actions), the VOC emission reduction measures in the proposed rulemaking are reasonably required to achieve and maintain the health-based and welfare-based 8-hour ground-level ozone NAAQS and to satisfy related Clean Air Act (CAA) requirements in this Commonwealth. The proposed amendments, if published as a final-form rulemaking in the *Pennsylvania Bulletin*, will be submitted to the EPA for approval as a revision to the Commonwealth's State Implementation Plan.

Affected Parties

This proposed rulemaking would apply to owners and operators of GDFs statewide that operate Stage I or Stage II vapor recovery systems. These would include airport or aviation companies, cemeteries, vehicle fleets, retail gas stations, governments, rental agencies, service stations and fuel terminal operators. Companies that test, repair and install Stage I and Stage II equipment would also be affected by a proposed requirement that their employees be certified to one of two underground storage tank certifications to perform testing and repair tasks.

The Department estimates that 538 businesses in the Philadelphia area (with 1,118 locations) and 368 businesses in the Pittsburgh area (with 863 locations), would be required to comply with the main requirements of this proposed rulemaking, which are the vapor leak testing (and related requirements) and the decommissioning requirements in proposed sections 129.61a and 129.82a. The Department estimates that 642 small businesses, with over 12,000 employees, would be affected. These small businesses would include 5 gasoline stations with convenience stores in addition to the affected small business service stations and retail gasoline stations. The impacts on persons, businesses, small businesses and organizations will be mostly felt under proposed section 129.61a.

The proposed amendments to section 129.82 would save GDF owners and operators money by not needing to install Stage II vapor recovery systems. Impacts would also be felt under section 129.82a, which would impose initial costs on GDF owners and operators to decommission Stage II vapor recovery systems but would save them money over time by reducing annual testing, maintenance and repair of Stage II vapor recovery system components.

Advisory Groups

The Department sought input from the City of Philadelphia Air Management Services (AMS) and the Allegheny County Health Department (ACHD) in developing this proposed rulemaking because these two entities enforce gasoline vapor recovery system regulations. Philadelphia AMS and ACHD are air pollution control programs approved by the Department under section

12 of the Air Pollution Control Act (35 P.S. § 4012) (relating to powers reserved to political subdivisions). The Philadelphia AMS and ACHD regulations could be affected by this proposed rulemaking if it is adopted as a final-form rulemaking. For this reason, Philadelphia AMS and the ACHD may amend their regulations in light of this proposed rulemaking.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) and the Small Business Compliance Advisory Committee (SBCAC) in developing this proposed rulemaking. On April 11, 2019, and April 17, 2019, respectively, AQTAC and SBCAC concurred with the Department's recommendation to move this proposed rulemaking forward to the Board for consideration for adoption and publication as a proposed rulemaking for public comment.

The Department also conferred with the Citizens Advisory Council's (CAC) Policy and Regulatory Oversight Committee concerning this proposed rulemaking on May 5, 2019. On May 22, 2019, the CAC concurred with the Department's recommendation to advance the proposal to the Board for consideration as proposed rulemaking.

Recommendation

The Department recommends the adoption of this proposed rulemaking. The Department also recommends a 60+-day public comment period and public hearings to be held during the open public comment period.