



1901 N. FORT MYER DRIVE • SUITE 500 • ARLINGTON, VA 22209-1604 • 703-351-8000 • FAX 703-351-9160

## **REGULATORY ALERT**

*September 22, 2008*

---

### **REMINDER: EPA STAGE I COMPLIANCE DEADLINE FOR GASOLINE STATIONS WITH GASOLINE THROUGHPUT OF 100,000 GALLONS PER MONTH OR MORE**

---

**ISSUE:** The compliance deadline is here for new federal Stage I vapor control equipment for gasoline stations that commenced operations after November 9, 2006 and have a gasoline throughput of 100,000 or more gallons *per month*. Gasoline dispensing facilities include retail gasoline stations, card locks and private commercial gasoline fueling facilities.

**BACKGROUND:** As previously reported, (See *PMAA Compliance Bulletin* April 12, 2008 and *PMAA Weekly Review* June 30, 2008) the U.S. EPA issued a final rulemaking on January 10, 2008 that requires installation of Stage I vapor balancing equipment at gasoline dispensing facilities with a monthly gasoline throughput of 100,000 gallons or more.

#### **COMPLIANCE DATE FOR FACILITIES WITH START-UP DATES AFTER November 9, 2006:**

Newly constructed or reconstructed gasoline dispensing facilities that started operations after November 9, 2006 must comply with the new vapor balancing equipment requirement by September 23, 2008.

PMAA worked closely with the U.S. EPA to extend the compliance date for new facilities starting up after November 9, 2006 from January 10, 2008 to September 23, 2008, to give marketers more time to comply. PMAA requested the extension because the compliance date for facilities starting up after November 9, 2006 was originally set for the day the final rule was published on January 10, 2008.

**IMPORTANT! The September 23, 2008 compliance date applies only to newly constructed or reconstructed gasoline dispensing facilities that started operations after November 9, 2006 and meet the 100,000 gallons or more per month gasoline threshold.**

#### **GASOLINE DISPENSING FACILITIES STAGE I COMPLIANCE REQUIREMENTS:**

##### **Gasoline Stations With Gasoline Throughput of 100,000 Gallons or More Per Month:**

- **Submerged Fill Pipes** - For tanks greater than or equal to 250 gallons, gasoline must be loaded using submerged fill pipes. Submerged fill pipes installed after November 9, 2006 must discharge no more than 6 inches from the bottom of the tank.
- **Use Management Practices to Control Vapor** - Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Proper handling measures to prevent such releases include; Minimize gasoline spills; clean-up spills as quickly as possible and cover open gasoline storage tank fill pipes with a gasketed seal when not in use.
- **Vapor Balance Control** - Operate a vapor balance system that meets one of the criteria below:

1. Operate a vapor balance system installed **prior to January 10, 2008** that meets an enforceable state or local rule or permit that either achieves an emission reduction of at least 90 percent. **Or if no such requirement already exists,**

2. Operate a vapor balance system during storage tank loadings using the following management practices;

- Connections and lines equipped with seal closures;
  - Vapor tight lines used from storage tank to cargo tank;
  - Cargo tank settings remain below specified settings;
  - Designed to prevent over tight/loose connections;
  - Gauge well provided with submerged drop tube extending specified distance (12 inches for pipes installed on or before November 9, 2006; six inches for pipes installed after November 9, 2006;) from tank bottom;
  - Use vapor tight caps for liquid fill connections;
  - Install pressure/vacuum vent valves on tank vent pipes at specified settings and test initially and every three years thereafter;
  - Vapor balance system must meet static pressure test initially and every three years; and
  - Dual point vapor balance systems for new/reconstructed gasoline distribution facilities built after November 9, 2006. Single point coaxial hoses are not permitted on facilities built after November 9, 2006.
- **Testing and Monitoring Requirements** - Vapor monitory systems must be tested upon installation and every three years thereafter. Technical testing and monitoring requirements can be found in Section 63.11120 of the rule (link to rule provided below).
- **EPA Reporting Requirements** - Submit a *Notification of Compliance* form to the EPA Regional Office with authority over the facility and to the state delegated authority upon compliance. A sample *Notification of Compliance* form is provided below.

**FIND THE REGULATIONS:** The Stage I Rule is at: <http://www.epa.gov/ttn/atw/area/fr10ja08.pdf>

**BOTTOM LINE:** Petroleum Marketers are **strongly urged** to contact a Stage I vendor or professional engineer to assist in the implementation of the technical requirements of this rule. Petroleum marketers whose facilities were built after November 9, 2006 and which meet the 100,000 gallon per month gasoline throughput threshold should focus on immediate compliance.

The Stage I Rule may be found at: <http://www.epa.gov/ttn/atw/area/fr10ja08.pdf>

**IMPORTANT! The Stage 1 rule also requires new vapor management and/or control equipment for gasoline dispensing facilities built on or before 11/09/08. These facilities are not required to comply with the federal EPA Stage I regulations until January 10, 2011. See PMAA COMPLIANCE BULLETIN on this subject (April 9, 2008) for information on these facilities.**

**SEE EPA NOTIFICATION OF COMPLIANCE FORM BELOW**

## Notification of Compliance Status Report for Gasoline Dispensing Facilities

### Submit Notification as follows:

- a. To the appropriate Regional Office of the EPA (see addresses below); and
- b. If the State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act, submit the notification to the appropriate State agency found at the following link: <http://www.4cleanair.org/contactUsaLevel.asp>

### Addresses of EPA Regional Offices:

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, One Congress Street, Suite 1100 (SEA), Boston, MA 02114, Attn: Air Compliance Clerk.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 290 Broadway, New York, NY 10007-1866.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee). Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303-3104.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Technical Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, 1595 Wynkoop Street, Denver, CO 80202-1129.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air, Waste and Toxics, 1200 6<sup>th</sup> Ave., Suite 900, AWT-107, Seattle, WA 98101.

**NOTIFICATION TO MEET THE REQUIREMENTS OF 40 CFR 63 Subpart CCCCCC,**

**Section 63.11124(a) or (b) and 40 CFR 63 Subpart A, Section 63.9(b)**

**Section I**

**GENERAL INFORMATION**

Print or type the following information for each facility for which you are making initial notification:

Operating Permit Number (OPTIONAL)		Facility I.D. Number (OPTIONAL)	
Responsible Official's Name/Title			
Street Address			
City	State	ZIP Code	
Facility Name (if different from Responsible Official's Name)			
Facility Street Address (If different than Responsible Official's Street Address)			
Facility Local Contact Name	Title	Phone (OPTIONAL)	
City	State	ZIP Code	

**SECTION II**

**APPLICABILITY AND COMPLIANCE STATUS**

<p><b>Applicability Questions</b>  <b>(initial in box beside correct answer to the following questions)</b></p>		
Yes		A1. Is your facility a "gasoline-dispensing facility"? Gasoline-dispensing facility means any stationary facility that dispenses gasoline directly into the fuel tank of a motor vehicle.
No		
Yes		A2. Does your facility receive and dispense any type of gasoline other than aviation gasoline?
No		
<p>If you answer "No" to either of the above questions and can support your answer, then you are not subject to the control requirements listed below; however, you must still complete Sections III and IV and mail as directed. If prior to January 10, 2008, your facility is meeting the control requirements of C1, C2, and C3, as applicable, under an enforceable State, local, or tribal rule or permit, then this notification is not required to be submitted.</p>		

**Control Questions**  
**(initial in box beside correct answer to the following questions)**

Yes		C1. Do you require that gasoline be handled in a manner that restricts vapor releases to the atmosphere for extended periods of time? Measures to be taken include, but are not limited to, the following:
No		<p>(1) Minimize gasoline spills</p> <p>(2) Clean up spills as expeditiously as practicable</p> <p>(3) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use</p> <p>(4) minimize gasoline sent to open-waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.</p>
Yes		C2. If the monthly gasoline throughput of your facility is greater than or equal to 10,000 gallons per month, is submerged filling* currently used for <u>all</u> gasoline storage tanks having a capacity of greater than or equal to 250 gallons?
No		<p>* Submerged filling requirements: Submerged fill pipes installed on or before November 9, 2006 must be no more than 12 inches from the bottom of the tank. Submerged fill pipes installed after November 9, 2006 must discharge no more than 6 inches from the bottom of the tank.</p>
Yes		C3. If the monthly gasoline throughput of your facility is greater than or equal to 100,000 gallons per month, is vapor-balanced filling (as specified in section 63.11118(b))* currently used for <u>all</u> gasoline storage tanks except:
No		<p>(1) Tanks constructed on or before January 10, 2008, with a capacity of less than 2,000 gallons</p> <p>(2) Tanks constructed after January 10, 2008, with a capacity of less than 250 gallons</p> <p>(3) Tanks equipped with floating roofs, or the equivalent?</p> <p>* Go to EPA Link in Compliance Bulletin, Scroll down to Rules/Notices, Download January 10, 2008 PDF document, go to Table 1 to Subpart CCCCCC of Part 63 "Applicability Criteria and Management Practices for Gasoline Distribution Facilities With Monthly Throughput of 100,000 gallons of Gasoline or More" to view vapor-balanced filling requirements.</p>

If you answer **no** to any of the above control questions, you must complete this notification and mail as directed.

**SECTION III  
SOURCE DESCRIPTION**

Briefly describe the source the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted;

**SECTION IV**

**CERTIFICATION** (Note: Certification is Optional – not required under section 63.9(b). You may edit the text in this section as deemed appropriate)

Based upon information and belief formed after a reasonable inquiry, I, as a responsible official of the above-mentioned facility, certify that the information contained in this report is accurate and true to the best of my knowledge.

Name of Responsible Official (Print or Type)	Title	Date (mm/dd/yy)

Signature of Responsible Official

*Note 1: Notifications should be sent to the EPA Regional Office servicing your area and to your State or local Air Pollution Control Agency. Part 70 permit applications can be used in lieu of an initial notification provided: (1) the same information is contained in the permit application as required by this rule; (2) the State has an approved Title V program under Part 70; (3) the State has received delegation of authority by the EPA; and (4) the Title V permit application has been submitted to the permitting authority.*

Note 2: Responsible official is defined under section 63.2 as any of the following: the president, vice-president, secretary, or treasurer of the company that owns the plant; the owner of the plant; the plant engineer or supervisor; a government official if the plant is owned by the Federal, State, city, or county government; or a ranking military officer if the plant is located on a military installation Hazardous Air Pollutants for Source Categories, Subpart A — General