

Small Business Compliance Advisory Committee

to the Pennsylvania Department of Environmental Protection

PO Box 8468

Harrisburg, PA 17105-8468

April 17, 2019

Honorable Patrick McDonnell
Secretary
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Proposed Rulemaking for Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II) (25 Pa. Code Chapters 121 and 129)

Dear Secretary McDonnell:

On April 17, 2019, the Small Business Compliance Advisory Committee (Committee) discussed the proposed rulemaking draft Annex A to amend existing regulations in and add new regulations to 25 Pa. Code Chapters 121 and 129 (relating to general provisions; and standards for sources) relating to the control of volatile organic compound (VOC) emissions from gasoline dispensing facilities (GDF) equipped with Stage II vapor recovery technology located in the Philadelphia and Pittsburgh areas. This proposed rulemaking would amend existing terms and add new terms in § 121.1 (relating to definitions), amend §§ 129.61 and 129.82 (relating to small gasoline storage tank control (Stage I control); and control of VOCs from gasoline dispensing facilities (Stage II)), and add two new sections, namely, §§ 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).

There are two types of Stage II vapor recovery technologies: vapor-balance and vacuum-assist. The vacuum-assist Stage II vapor recovery technology is incompatible with the onboard refueling vapor recovery (ORVR) system found on most gasoline-fueled vehicles today. The ORVR systems reduce VOC emissions from refueling similarly to Stage II vapor recovery technology. When a vehicle equipped with ORVR refuels at a GDF using vacuum assist Stage II vapor recovery technology, uncontrolled VOC emissions are emitted into the ambient atmosphere due to the incompatibility. The proposed amendments would require owners and operators of affected GDFs to remove, or decommission, Stage II vapor recovery systems while preserving effective VOC emission control elements of the program.

The Committee discussed the process that a GDF owner or operator uses to replace the dispensing hoses and nozzles, which occurs approximately every 2 to 3 years in the normal course of business. The Committee requests that the Department provide information in the

proposed rulemaking of the estimated costs and savings, both initially and ongoing, to the affected small businesses.

The Committee would like to see an estimate of the difference in cost to small business GDF owners or operators of replacing current dispensing hoses and nozzles with the equipment required in the proposed rulemaking, instead of replacing current hoses and dispensing equipment with the currently allowable equipment. The Committee would also like to see an estimate of the number of affected small businesses.

The Committee voted 6-0-0 (yes-no-abstain) to concur with the Department's recommendation to present the proposed rulemaking amendments, including the requested information in the previous paragraph, to the Environmental Quality Board for consideration for adoption and publication as a proposed rulemaking for public comment.

Sincerely,



Dale I. Kaplan
Chair

cc: Krishnan Ramamurthy, Director, PA DEP BAQ
Kirit Dalal, PA DEP BAQ
Chris Trostle, PA DEP BAQ
Susan Hoyle, PA DEP BAQ
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