



# ENFORCEMENT *Update*

*Making You Aware of Incentives and Compliance Assistance Opportunities*

Compliance & Enforcement

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#2016-11

## **New Gasoline Dispensing Facilities can be Constructed without Stage II Vapor Recovery Systems as of October 12, 2016**

### **Who is affected by this advisory?**

Owners or operators of sites undergoing construction to install a new gasoline dispensing facility (GDF) subject to NJ Air Pollution Control rules at N.J.A.C. 7:27-16.3. A “gasoline dispensing facility” is defined as a facility consisting of one or more stationary gasoline storage tanks together with dispensing devices used to fill vehicle fuel tanks.

### **What equipment or sources are affected?**

GDFs that are required to install Stage II vapor recovery systems in accordance with N.J.A.C. 7:27-16.3 are affected by this action. Stage II vapor recovery systems capture gasoline vapors during vehicle refueling and return them to the gasoline underground storage tank (UST). There are two types of Stage II vapor recovery systems, balance and vacuum assist.

### **What is NJDEP doing?**

Through Administrative Order No. 2016-09 (AO) the Department has exercised discretion to allow a GDF constructed on or after October 12, 2016 to transfer gasoline to a vehicular fuel tank without meeting the Stage II vapor recovery system requirements pursuant to N.J.A.C. 7:27-16.3(e)1, (e)2, and (e)4.

New construction or a complete rebuild of a GDF will no longer be required to install Stage II vapor recovery systems. A complete rebuild is defined as including the USTs, piping, all site equipment and parts. This AO does not apply to circumstances where an existing GDF is replacing one or more dispensing devices used to fill vehicle fuel tanks. Requirements for dispenser replacement shall continue to comply with the existing provisions of N.J.A.C. 7:27-16.3.

These new facilities will also not be required to comply with the dynamic backpressure performance test and air to liquid ratio test requirements in Table 3A at N.J.A.C. 7:27-16.3, which is associated with Stage II vapor recovery systems. Other testing in Table 3A still applies.

PLEASE ALSO NOTE: Any new dispenser system(s) installed after April 11, 2016 at a Federally regulated UST facility shall be equipped with under-dispenser containment in accordance with 40 CFR §280.20(f).

All other applicable construction codes and regulations apply.

# COMPLIANCE ADVISORY

If applicable, an owner or operator of a new GDF must apply for the current General Permit (GP) for Fuel Dispensing Facilities (GP-004A) which allows for construction, installation, and operation of a GDF. Since the existing rule requires Stage I and Stage II vapor recovery systems, an applicant should select both options in GP-004A (usually option no. 4). Although a new GDF is no longer required to install a Stage II vapor recovery system pursuant to the AO, until such time as N.J.A.C. 7:27-16.3 is amended and the current GP-004A is subsequently revised, it is necessary for the applicant to select Stage II in the GP in order to successfully process the application. A GDF would need to have a valid GP-004A and to keep onsite a copy of the AO to be in compliance.

Stage II equipment at existing GDF's (installed prior to October 12, 2016) shall continue to be maintained and operated pursuant to N.J.A.C. 7:27-16.3.

## Background

New Jersey's Stage II rules at N.J.A.C. 7:27-16.3 are mandated pursuant to the Federal Clean Air Act. However, the Clean Air Act and EPA allow Stage II requirements to be removed upon determining that Onboard Refueling Vapor Recovery (ORVR) systems are in widespread use throughout the motor vehicle fleet. These ORVR systems are another method of gasoline vapor refueling control located inside motor vehicles. As older vehicles without ORVR are retired and replaced with newer vehicles equipped with ORVR, the need for Stage II controls lessens over time. When ORVR systems operate in conjunction with vacuum assist vapor control systems there is a potential for excess emissions due to incompatibility of the two systems. The Department has estimated that currently new facilities with vacuum assist vapor control systems would not have any overall facility benefit from a Stage II vapor recovery system due to the incompatibility with ORVR.

The Department has initiated rulemaking to amend the Air Pollution Control rules at N.J.A.C. 7:27-16.3. The amendments will address decommissioning of Stage II vapor recovery systems at existing GDFs, and remove the requirement for Stage II vapor recovery systems at new GDFs.

## Who should I contact with questions?

<b>NJDEP Air Quality Permitting</b> Mayra Reyes	609-984-6072
<b>UST Compliance and Enforcement</b> John Olko, Acting Bureau Chief	609-851-7989
Michael Hollis, Supervisor Clean Air Act rule team member	609-477-0945

## Where can I get more information?

The following web sites can be accessed for additional information regarding this advisory:

- Division of Air Quality Permitting Program website: <http://www.state.nj.us/dep/aqpp/>
- Compliance and Enforcement website: <http://www.nj.gov/dep/enforcement/>
- For general NJDEP information (Contact NJDEP): <http://www.nj.gov/cgi-bin/dep/contactdep.pl>
- To comment on this advisory: <http://www.nj.gov/dep/enforcement/survey.html>

This advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement numbers listed above.