



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

July 23, 2014

Robin D. Baena
Department of Energy & Environmental Protection
Bureau of Air Management
Engineering & Enforcement
79 Elm Street
Hartford, CT 06106-5127

Dear Ms. Baena:

Thank you for the opportunity to review the proposed amendments to your regulations pertaining to Connecticut's Stage I and Stage II vapor recovery programs.

The Connecticut Department of Energy and Environmental Protection (DEEP) is proposing to amend Regulations of Connecticut State Agencies (RCSA) Section 22a-174-20 "Control of Organic Compound Emissions," repeal RCSA Section 22a-174-30 "Dispensing of Gasoline/Stage I and Stage II Vapor Recovery," and adopt new RCSA Section 22a-174-30a "Stage I Vapor Recovery."

EPA Region 1 has reviewed the proposal and you will find the Agency's comments in the Enclosure.

If you have any questions on the enclosed comments, please contact the following staff:

Susan Lancey	617-918-1656	NESHAP issues
Ariel Garcia	617-918-1660	all other comments

Sincerely,

A handwritten signature in cursive script that reads "Anne Arnold".

Anne Arnold, Manager
Air Quality Planning Unit

cc: Merrily A. Gere, CT DEEP

Enclosure

Enclosure

**EPA Comments on Proposed Amendments to
Connecticut's Regulation Covering the Connecticut
Stage I and Stage II Vapor Recovery Programs**

1) The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Gasoline Dispensing Facilities, Part 63 Subpart CCCCCC (GDF NESHAP) allows sources with a monthly throughput of 100,000 gallons or more to be deemed in compliance with vapor balance requirements if, prior to January 10, 2008, the source complies with an enforceable state rule that either: requires an emissions reduction of at least 90%; or requires management practices at least as stringent as those in EPA's NESHAP Table 1. EPA Region I found¹ that GDF subject to and in compliance with a RSCA 22a-174-30 Stage II vapor recovery requirements and with a CARB certified Stage I vapor balance system prior to January 10, 2008, may comply with 22a-174-30 and RSCA 22a-174-20 as an alternative to complying with the GDF NESHAP Table 1 management practices, and with the periodic testing requirements in 40 CFR 63.11120(a). Therefore, GDF in compliance with these CT requirements prior to January 10, 2008 have not been subject to the notification, testing and reporting requirements in the NESHAP. Because CT is now proposing to remove Stage II requirements and the requirement for a CARB certified Stage I system, CT may add the NESHAP Table 1 management practices to RSCA 22a-174-30a instead of an enforceable 90% emission reduction requirement in order for sources, prior to January 10, 2008, to follow CT rules to meet NESHAP compliance.

a) For GDF with a monthly throughput of 100,000 gallons or more, the GDF NESHAP requires pressure/vacuum (PV) vent valve specifications of a positive pressure setting of 2.5 to 6.0 inches of water, and a negative pressure setting of 6.0 to 10.0 inches of water, and a total leak rate shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water. CT's rule requires these settings for GDF after July 1, 2015. In order for CT's rule to include all of the Table 1 management practices, RSCA 22a-174-30a(c)(6) must require these settings for PV vent valves for all GDF with a monthly throughput of 100,000 gallons or more.

b) CT's 22a-174-30a Section (d) requires an annual static pressure test according to the current CARB TP-201.3, as may be revised from time to time, and an annual PV vent valve test according to the current CARB TP-201.1E, as may be revised from time to time. The GDF NESHAP requires a static pressure test according to CARB TP-201.3, adopted April 12, 1996, and amended March 17, 1999; or according to Bay Area Air Quality Management District Source Test Procedure ST-30 Static Pressure Integrity Test - Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994, and a PV vent valve test according to TP-201.1E, adopted October 8, 2003. A facility subject to

¹ See the March 10, 2009 letter from David Conroy to Anne Gobin with more detail.

the NESHAP vapor balance testing requirements (e.g., all new sources after January 10, 2008) using CARB TP-201.3 and CARB TP-201.1E for NESHAP compliance will be required to conduct the tests using the versions incorporated into the NESHAP unless a facility or the state requests and EPA approves a revised version of these tests as equivalent to the NESHAP.

2) Connecticut is proposing to amend its regulations to discontinue the requirements to install and operate Stage II vapor recovery controls, per Public Act No. 13-120's revision of the Connecticut General Statutes (CGS) section 22a-174e, and to reorganize Stage I requirements. Connecticut's Stage I and Stage II programs have been approved into the Connecticut State Implementation Plan (SIP). Therefore, the revised rules should be submitted to EPA as a SIP revision.

In order for EPA to be able to approve this SIP revision, Connecticut must demonstrate that it meets the anti-backsliding requirements of Section 110(l) of the Clean Air Act (CAA). With respect to Stage II, EPA Region 1 is aware that CT DEEP has been working on a demonstration, for which a separate public notice is planned, to satisfy the necessary CAA requirements in accordance with EPA's "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures," issued on August 7, 2012. This demonstration should also be submitted to EPA as a SIP revision to support the Stage II program phase-out.

Furthermore, EPA recommends that the demonstration also explain how the new Stage I regulation meets Section 110(l) requirements. It appears that the proposed requirements are no less stringent than the previously approved SIP requirements. CT DEEP should verify and document that fact.

3) Connecticut is proposing revisions to certain subdivisions of 22a-174-20(a) and 22a-174-20(b). When CT DEEP submits its SIP revision, it would be helpful for EPA's processing of the SIP revision, if the submittal included the complete, as amended, 22a-174-20(a) and 22a-174-20(b) for incorporation by reference.

4) For clarity, we recommend that proposed RCSA section 22a-174-30a(c)(3)(A)(i)(I) be revised, similar to Connecticut's existing Stage II rule, to read as follows:

"3 inches of water, plus or minus ~~1/2~~ **one-half (0.5)** inch, or"

Likewise, proposed subdivision 22a-174-30a(c)(3)(A)(ii) should be revised to read as follows:

"A vacuum setting of 8 inches of water, plus or minus **two (2.0)** inches, and"

5) The recordkeeping requirements for maintaining records of the "daily throughput of gasoline" and "records of both scheduled and unscheduled maintenance of the 'vapor balance system' and other system components," found at RCSA section 22a-174-20(aa)(5) apply to any premise subject to the provisions of subdivisions 22a-174-20(b)(5)

or (b)(6). However, since the proposed amendments are deleting subdivision 22a-174-20(b)(6) relating to gasoline dispensing facilities, then the recordkeeping requirements at 22a-174-20(aa)(5) should be included as part of the recordkeeping section of the proposed new Stage I rule, section 22a-174-30a(e).

Proposed section 22a-174-30a(e)(1)(C) does include recordkeeping requirements for maintenance of the Stage I vapor recovery system, however, the throughput recordkeeping requirements are not currently included in proposed section 22a-174-30a(e). Maintaining records of throughput is important since the applicability of the rule's requirements are based on two throughput levels (i.e., 10,000 and 100,000 gallons per 30-day rolling period). Thus, throughput recordkeeping requirements should be added to section 22a-174-30a(e).

6) Connecticut is proposing to repeal section 22a-174-30 "Dispensing of Gasoline/Stage I and Stage II Vapor Recovery" and adopt a new section 22a-174-30a "Stage I Vapor Recovery." There are, however, some Stage II vapor recovery provisions that should continue into the future. Specifically, CT DEEP should ensure that its SIP submittal includes enforceable requirements that specify the decommissioning procedures to be used, the date by which decommissioning must take place, and the operation and maintenance requirements for Stage II vapor recovery systems that must continue until decommissioning takes place.

7) As noted above, Connecticut is proposing to adopt a new Stage I vapor recovery regulation. EPA encourages Connecticut to include California Air Resources (CARB) enhanced Stage I vapor recovery requirements in this rule. Rhode Island has adopted, and Massachusetts has proposed to adopt, these requirements. (See, for example, Rhode Island Air Pollution Control Regulation No. 11, "Petroleum Liquids Marketing and Storage," amended December 25, 2103, posted at http://www.dem.ri.gov/pubs/regs/regs/air/air11_13.pdf) Enhancing Connecticut's Stage I requirements would provide additional reductions to help address continuing ozone nonattainment issues in Connecticut.