

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

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IN RE THE MATTER OF

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General Permit

General Permit to Limit Incompatibility  
Excess Emissions and Provide an  
Exemption from Stage II Requirements

June 24, 2013

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**DEEP STAFF**  
**SUSPENSION OF GENERAL PERMIT ISSUANCE AND**  
**MOTION TO TERMINATE PROCEEDING**

Given the enactment of Public Act 13-120, DEEP Staff hereby suspend the process of issuing the General Permit to Limit Incompatibility Excess Emissions and Provide an Exemption from Stage II Requirements (“General Permit”) and request termination of the above-captioned proceeding, as follows:

1. On November 7, 2012, DEEP published a notice of the intent to issue the General Permit.
2. An informational hearing was held on the General Permit on January 9, 2013 at DEEP Headquarters in Hartford, Connecticut.
3. Written comments were accepted through January 18, 2013. A number of comments were submitted.
4. Based on the public comments received, DEEP revised the proposed General Permit.
5. The General Permit authorizes a person to decommission Stage II vapor recovery systems at a gasoline dispensing facility in Connecticut and grants an exemption from certain portions of section 22a-174-30 of the Regulations of Connecticut State Agencies (RCSA). The General

- Permit specifies the elements required in the Stage II vapor recovery system decommissioning process; maintenance requirements for Stage I vapor recovery equipment; annual testing requirements for Stage I vapor recovery equipment; and recordkeeping and reporting requirements.
6. In making the tentative determination to issue the General Permit, the Commissioner recognized that emission reductions from onboard refueling vapor recovery are essentially equal to and will soon surpass the emissions reduction achieved by Stage II vapor recovery systems alone. Starting in 2015, continued compliance with the Stage II vapor recovery requirements of RCSA section 22a-174-30 will cause increases in volatile organic compound and toxic air pollutant emissions, thereby negatively impacting public health, and impose unnecessary maintenance costs on owners of gasoline dispensing facilities.
  7. The Commissioner's tentative determination was based in part on a study evaluating future options for Connecticut's Stage II VRS program. Because such a high percent of Connecticut's gasoline is dispensed in a manner that can result in incompatibility excess emissions, the study concluded that maintaining Connecticut's existing Stage II VRS program would lead to VOC emission increases in 2014.
  8. The Commissioner's tentative determination was supported by the U.S. Environmental Protection Agency's promulgation of *Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver* (77 FR 28772: May 16, 2012).
  9. During the 2013 regular legislative session, the Connecticut legislature enacted Public Act 13-120, which mandates decommissioning of all Stage II vapor recovery systems at gasoline dispensing facilities as of July 1, 2015. Public Act 13-120 was signed by Governor Dannel P. Malloy on June 18, 2013.
  10. Given Public Act 13-120, DEEP Staff suspends the issuance of the General Permit since the activity that the General Permit would authorize upon issuance is addressed by Public Act 13-120. The suspension is permanent and final, and the process of seeking to issue the General Permit will not be continued in the future.

Wherefore, DEEP staff respectfully request that this proceeding terminate.

For DEEP Staff

/s/ Richard A Pirolli  
Richard A. Pirolli, Assistant Director  
Division of Engineering & Enforcement  
Bureau of Air Management  
Connecticut Department of Energy and  
Environmental Protection

### **Certificate of Service**

I hereby certify that copies of the above were delivered via electronic mail on June 24, 2013 to all counsel and pro se parties of record as follows:

Alan M. Kosloff,  
akosloff@kosloff.net  
Connecticut Urban Legal Initiative, Inc.  
c/o Law Offices of Alan M. Kosloff  
28 North Main Street  
West Hartford, CT 06107

Janice B. Deshais, Hearing Officer  
Janice.deshais@ct.gov  
Office of Adjudications  
CT Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127