



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

BETH NAGUSKY  
ACTING COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection  
FROM: Jeff Crawford, Bureau of Air Quality  
DATE: January 6, 2011  
RE: Adoption: Chapter 118 Gasoline Dispensing Facilities Vapor Control amendments

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**Statutory and Regulatory Reference:**

A. Statutory authority.

38 MRSA Section 585-A provides that the Board of Environmental Protection "may establish and amend regulations to implement ambient air quality standards and emission standards. These regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and prevent air pollution."

B. Specific legal mandates requiring adoption.

38 MRSA Section 585-E, Gasoline station vapor recovery requirements, repeals the requirement for Stage II vapor recovery systems at gasoline stations January 1, 2012.

40 CFR Part 63 Subpart CCCCCC National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Source Category: Gasoline Dispensing Facilities.

1990 Clean Air Act Amendments section 110(l), which forbids EPA to approve any plan revision that would interfere with efforts to make progress toward or attain air quality standards, or with any other applicable requirement of the Clean Air Act.

1990 Clean Air Act Amendments section 184 (b)(2), which requires the implementation of Stage II vapor control, or comparable measures, throughout the Ozone Transport Region.

**Location/Applicability:**

The amendments apply statewide.

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## Description:

Background: The Department's proposed amendments to Chapter 118 will implement the statutory requirement (38 MRSA Section 585-E) to repeal the Stage II program and add references to the Stage I requirements of the NESHAPS to help clarify for sources that they must meet both the NESHAPS and the Chapter 118 requirements.

In 2007, the Maine Legislature enacted 38 MRSA Section 585-E, which repeals the Stage II vapor recovery requirements effective January 1, 2012. Stage II vapor recovery controls are currently required on any gasoline dispensing facility located in York, Cumberland, and Sagadahoc counties whose annual throughput ever exceeds the initial applicability threshold of 1,000,000 gallons per year.

The Department's proposal will repeal the Stage II requirement as of January 1, 2012, and require the removal and/or discontinuance of Stage II vapor controls no later than January 1, 2013. Since the proper discontinuance of Stage II controls is essential to prevent unintended volatile organic compound (VOC) emissions, the Department has developed a closure protocol for ensuring that discontinued Stage II piping is drained of liquid fuel, and all piping is properly capped and tested for vapor tightness.

Since the CAA prohibits "backsliding" in nonattainment and maintenance areas such as southern Maine, the repeal of the Stage II program requires a demonstration that any additional emissions resulting from the program's repeal will not interfere with the attainment or maintenance of the national ambient air quality standards in York, Cumberland and Sagadahoc counties. The Department has calculated that repealing the Stage II requirement will result in additional VOC emissions of 0.245 tons per day (tpd) in York, Cumberland and Sagadahoc counties<sup>1</sup>. In order to address this deficit in the Maine SIP, the Department will analyze its 2012 projected emission inventory in these counties to determine whether maintenance requirements will continue to be met after the repeal of the Stage II requirements or whether additional VOC control measures must be adopted.

In addition to backsliding provisions, the Department must also address the CAA requirement for Stage II or comparable measures in Maine. Maine submitted its Stage II Comparability Demonstration to EPA in 1999; with the repeal of Stage II requirements it will need to be updated to demonstrate that Maine has adopted and implemented discretionary measures (i.e. not already required by the CAA) that provide VOC emission reductions that are equal to or greater than those provided by a statewide Stage II program on gasoline stations of 10,000 gallons per month throughput or greater.

In addition to repealing the Stage II vapor control requirements (and ensuring the proper closure of these units), the Department included language to clarify that sources with greater than 100,000 gallons per month are subject to both the federal NESHAP and the Department's Chapter 118 requirements.

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<sup>1</sup> Although a large percentage of the Maine motor vehicle fleet is now equipped with onboard vapor recovery devices, pre-1996 motor vehicles are not so equipped, and refueling emissions from these vehicles will no longer be controlled.

Discussion: The Department's original proposal included a requirement to install pressure/vacuum (P/V) vent valves on all gasoline dispensing facilities with a throughput of 10,000 - 100,000 gallons per month (stations with greater than 100,000 gallons throughput per month are required to have P/V vent valves under the federal NESHAPS). During the public comment period, the Department received comments from six commenters, several of which objected to the installation of the P/V vent valves on the smaller throughput gasoline dispensing facilities. Due to concerns over the cost of installation and periodic testing (i.e., cost-effectiveness) at these smaller facilities, the Department decided against moving forward with the P/V vent valve requirement at this time. The Department may revisit this option depending on the outcome of its maintenance inventory analysis, or as needed to meet future air quality planning requirements.

**Environmental Issues:**

Volatile organic compounds contribute to ground-level ozone formation or smog which aggravates respiratory ailments such as asthma, bronchitis, and emphysema. The presence of ozone impedes the breathing of even healthy people.

**Departmental Recommendation:**

The Department recommends that the Board adopt Chapter 118 as presented.

**Estimated Time of Presentation:**

15 minutes