Stage I Vapor Recovery Changes
Regulatory Streamlining and State Implementation Plan Development
• Adopted during 2004
• Applies only in nonattainment areas for ozone
• Was actively enforced in Crittenden County upon adoption until 2010; and again between 2012 and 2016
• No current nonattainment areas within Arkansas
Crittenden County

- 1997 Ozone NAAQS (80 ppb)

- 2008 Ozone NAAQS (75 ppb)
  Nonattainment Status 7/20/2012 – 6/03/2016
Crittenden County

- Gradual rollout, with information disseminated through the Arkansas Oil Marketers Association (AOMA), and surveys performed to assess the compliance status of facilities in Crittenden County
- Compliance inspections started in 2006, focusing on actually having a Stage I Vapor Recovery system, and progressed to maintenance and testing of the systems
Past Concerns of the Regulated Community

Source: American Petroleum Institute (2014)

- Monitored CBSAs and rural counties that would be violating a 60 ppb standard
- Unmonitored areas that are anticipated to violate a 60 ppb standard based on spatial interpolation

Importance of Regulation

Helps reduce VOCs, a precursor to the formation of Ozone, in nonattainment areas
Severity of Effects

Ozone Health Impacts: “Pyramid of Effects”

At-Risk Groups Include:
- People with lung disease, such as asthma or chronic obstructive pulmonary disease (COPD)
- Children
- Older adults
- People who are more likely to be exposed; such as, people who are active outdoors, including children and outdoor workers

Source: EPA
Importance of Revision

• To help clarify the regulation for both the State, and the regulated community

• To ensure the maximum benefits in reducing VOCs in the event of future nonattainment designations
Previous Compliance Pitfalls

• Throughput definition required records of fuel dispensed, while some facilities only kept records of fuel delivered to the gasoline storage tank

• No guidance on the facility’s responsibilities when claiming an exemption
Previous Compliance Pitfalls

• No requirement for a poppeted vapor recovery adaptor valve to be covered by a vapor-tight cap
• Unclear test method for the stationary gasoline storage tanks
Previous Compliance Pitfalls

• Unclear phase-in process for “Independent small business marketers (ISBM)”

• No defined testing protocols
These pitfalls took time and resources away from the main purpose of the regulation;

- to move the affected nonattainment area in the direction of being reclassified attainment for the Ozone NAAQS
- improving both the environmental health concerns, and the ability of the area to grow economically
REGULATION CHANGES
Purpose of Changes

• Clean-up typographical errors and redundant language
• Clarify testing, recordkeeping, and reporting requirements
• Address inconsistencies with NESHAP Group C (6C)
Major Changes
Submerged Fill Pipe

Regulation 19.13
- Exemption for tanks with a capacity not more than 550 gallons that had submerged fill pipes

Regulation 35.11
- Tanks with a capacity of not more than 250 gallons are exempt, the same as NESHAP CCCCCCC, with no exemption for submerged filling for any sized tank
Definition of Throughput

Regulation 19.13
• The amount of gasoline dispensed at a facility

Regulation 35.11
• The total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each gasoline dispensing facility (GDF) during a month
Other Definition Changes

• Removed definition for “gasoline service station”
• Revised definition for “independent small business marketer”
• Inserted definition for “control of a corporation”
• Inserted definition for “refiner”
• Revised definition for “vapor tight”
Exemption Changes

• Language changes to address conflicts with NESHAP CCCCCC
• Language changes to match up with definition changes
• Guidance added on the facilities responsibilities when claiming an exemption
Maintenance & Testing Changes

• Language changes to ensure that vapor recovery adaptors and vent lines are being properly maintained.
• Language added to clarify the EPA Reference Test Method used for gasoline delivery vessels.
Maintenance & Testing Changes

• Language changes to ensure that vapor recovery system is properly retested after a failed test
• Language added to clarify the EPA Reference Test Method used for the stationary gasoline tanks
• Testing time frames added for clarification
Phase-In for ISBM's

Regulation 19.13
- Allowed phase-in of a third of an ISBM’s facilities per year over a three year period

Regulation 35.11
- Added language to clarify that this applies to an ISBM with at least three facilities
Summary

With these changes to the Stage I Vapor Recovery regulation, the Department anticipates a smoother implementation of the rule in the event of a nonattainment designation in the future, and in turn, a smoother transition back to attainment.
Questions?

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