



ENFORCEMENT *UPDATE*

Making You Aware of Incentives and Compliance Assistance Opportunities

Compliance & Enforcement

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Decommissioning Stage II (or Phase II) Vapor Recovery Systems at Gasoline Dispensing Facilities

Who is affected?

Owners and operators of gasoline dispensing facilities (GDF) constructed before November 9, 2017 and subject to New Jersey Air Pollution Control rules at N.J.A.C. 7:27-16.3. A “gasoline dispensing facility” is defined as a stationary facility that dispenses gasoline into the fuel tank of a motor vehicle.

What equipment or sources are affected?

GDFs that are required to maintain Phase II (also known as 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 storage tank. There are two types of Stage II vapor recovery systems, balance and vacuum assist.

What is NJDEP doing?

Through Administrative Order No. 2017-16 (AO) DEP shall exercise discretion to allow a gasoline dispensing facility to decommission its Stage II vapor recovery system if the decommissioning is performed in accordance with the adopted amendments at N.J.A.C. 7:27-16.1 and 16.3. A courtesy copy of the relevant adopted rules and the signed AO is available at <http://www.state.nj.us/dep/aqpp/ao-2017-16.pdf>.

All other applicable construction codes and regulations apply. Failure to properly decommission a facility in accordance with the requirements can be cited as a violation of the Air Pollution Control Act, N.J.S.A. 26:2C et seq., and the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq.

DEP proposed a revised general permit, GP-004B for Fuel Dispensing Facilities equipped with Phase I vapor recovery control system (only) in the New Jersey Register published on November 6, 2017. The public can submit comments on this proposed permit until December 6, 2017, after which time the NJDEP will review the comments received and finalize the revised general permit. A GDF planning to decommission a Stage II vapor recovery system pursuant to the AO, after November 9, 2017, but prior to finalization of GP-004B is requested to apply for a case by case individual permit (Radius application). The revised GP-004B permit doesn't include Stage II requirements. Therefore, facilities still equipped with Stage II shall remain permitted under general permit GP-004A.

COMPLIANCE ADVISORY

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

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 the 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.

DEP published proposed amendments to the Air Pollution Control rules at N.J.A.C. 7:27-16.1 and 16.3 (49 N.J.R. 1121) in the July 3, 2017 New Jersey Register. On October 24, 2017, the Commissioner signed the Air Pollution Control rules adoption document and submitted it for publication in the November 20, 2017 New Jersey Register; the adopted rules will be operative December 23, 2017. In addition to allowing construction of a new GDF without Stage II vapor recovery equipment, the rules require decommissioning of vacuum assist Stage II vapor recovery equipment at existing GDFs where the equipment is incompatible with Onboard Refueling Vapor Recovery (ORVR) systems. Those facilities will be required to complete decommissioning within three years from the operative date of the rule. Decommissioning is not required for a balance Stage II system or an ORVR compatible vacuum assist Stage II system, however those systems must be maintained if they are left in place.

Who should I contact with questions?

UST Compliance and Enforcement

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Air Quality Permitting

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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>

Please note 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 number listed above.