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SIP Revision: Stage II Vapor Recovery Program, October 9, 2013

On October 9, 2013 the Texas Commission on Environmental Quality (TCEQ) adopted a State Implementation Plan (SIP) revision to decommission the Stage II Vapor Recovery Program.

Summary of the SIP Revision

Adoption Date: 10/09/2013

Proposal Date: 04/23/2013

EPA Approval Date: 03/17/2014 ([79 FR 14611](#))

Background: The Stage II vapor recovery program is a requirement of the Federal Clean Air Act (FCAA) §182(b)(3) that requires the installation of technology to prevent gasoline vapors from escaping during the refueling of on-road motor vehicles in certain areas designated nonattainment of the National Ambient Air Quality Standard (NAAQS) for ozone and classified as serious or above. On May 16, 2012, the United States Environmental Protection Agency (EPA) finalized rulemaking for 40 Code of Federal Regulations Part 51 determining that vehicle onboard refueling vapor recovery (ORVR) technology was in widespread use for the purposes of controlling motor vehicle refueling emissions ([77 FR 28772](#)). The EPA required that ORVR systems be phased in beginning with the 1998 model-year light-duty gasoline vehicles. As of 2006, all new light- and medium-duty gasoline vehicles are equipped with ORVR. According to the EPA's guidance document, the agency could waive a state's Stage II requirement upon approval of a SIP revision that included a demonstration that emissions reductions from ORVR are equal to or greater than those from Stage II at gasoline dispensing facilities (GDFs) in ozone nonattainment areas classified as serious and above and a demonstration that the air quality will not be negatively affected by the removal of Stage II equipment. This SIP revision includes both of these demonstrations.

Key Changes: This SIP revision authorizes the decommissioning of Stage II vapor recovery equipment at GDFs and requires current GDF owners or operators to maintain their equipment until decommissioning occurs. All decommissioning must be completed by August 31, 2018. The EPA's Motor Vehicle Emission Simulator (MOVES) model was used to demonstrate that the one-hour 1997 eight-hour ozone NAAQS in current Stage II counties will not be negatively affected by the removal of Stage II equipment. Additionally, the SIP revision includes:

- New definitions of "decommissioning" and "gasoline dispensing facility";
- Continued applicability of the Stage II requirements until the owner or operator of a GDF completes decommissioning;
- Verification of approved systems at GDFs that elect to continue maintaining Stage II equipment would continue until the GDF completes decommissioning or August 31, 2018;
- Continued training requirements for appropriate persons until Stage II equipment was decommissioned at relevant GDFs or until August 31, 2018;
- Notification requirements for owners or operators of GDFs;



- Continued availability of public information relating to Stage II vapor recovery requirements until all decommissioning has completed or August 31, 2018;
- Continued TCEQ investigations of any associated penalties for Stage II until decommissioning is completed at the GDF;
- A provision for owners and operators of GDFs to begin decommissioning activities 30 calendar days following the effective date of the EPA's approval of this SIP revision; and
- An FCAA noninterference demonstration showing that the Stage II decommissioning will not interfere with attainment or maintenance of the ozone NAAQS.

SIP Narrative and Appendices

Files linked from this page are in Portable Document Format ([PDF](#)).

Stage II Vapor Recovery Program SIP Revision (Non-Rule Project No. 2013-002-SIP-NR)

- **Adopted Stage II Vapor Recovery SIP Revision**
- Appendices
 - **Appendix A: Emission Benefit Assessment for Removal of Stage II Gasoline Vapor Control Programs**

Associated Rules

The commission adopted the following rule revision to 30 TAC 115.

- **Rule Project Number 2013-001-115-AI, Chapter 115 Stage II Vapor Recovery Rule Revision**