

SMAQMD BACT CLEARINGHOUSE

CATEGORY Type:

Phase II Vapor Recovery

BACT Category: Minor Source

BACT Determination Number: 303	BACT Determination Date: 1/14/2022
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Equipment Information

Permit Number: N/A -- Generic BACT Determination
Equipment Description: Phase II Vapor Recovery System
Unit Size/Rating/Capacity: Phase II Vapor Recovery system
Equipment Location:

EXPIRED

BACT Determination Information

District Contact: Venk Reddy Phone No.: (279) 207-1146 email: vreddy@airquality.org

ROCs	Standard:	95% Control Efficiency
	Technology Description:	CARB certified Phase II vapor recovery system. See comment for other equivalent achieved in practice technologies that will satisfy BACT
	Basis:	Achieved in Practice
NOx	Standard:	
	Technology Description:	
	Basis:	
SOx	Standard:	
	Technology Description:	
	Basis:	
PM10	Standard:	
	Technology Description:	
	Basis:	
PM2.5	Standard:	
	Technology Description:	
	Basis:	
CO	Standard:	
	Technology Description:	
	Basis:	
LEAD	Standard:	
	Technology Description:	
	Basis:	

Comments: The following technologies have been determined to be equivalent to the CARB certified Phase II system:
 1) The fueling of vehicles at non-retail facilities where 100 percent of the vehicles being fueled are equipped with ORVR, or
 2) The use of E85 dispensers to dispense E85 fuel into flexivle fuel vehicles, or
 3) The use of any system or component being evaluated for certification purposes and operating under current and valid CARB authorization.



BEST AVAILABLE CONTROL TECHNOLOGY DETERMINATION

EXPIRED

DETERMINATION NO.: 303
DATE: November 8, 2021
ENGINEER: Venk Reddy

Category/General Equip Description: Gasoline Dispensing Facility (GDF)
Equipment Specific Description: Transfer of gasoline or E85 from any stationary storage tank or delivery vessel into any motor vehicle fuel tank.
Equipment Size/Rating: Minor
Previous BACT Det. No.: 247

This BACT determination will update BACT #247 for gasoline dispensing facility (GDF) transfer of gasoline or E85 from any stationary storage tank or delivery vessel into any motor vehicle fuel tank.

BACT ANALYSIS

A. ACHIEVED IN PRACTICE (Rule 202, §205.1a):

California Health and Safety Code (H&SC), Section 41954, instructs CARB to certify vapor recovery systems/components that comply with the adopted Certification Procedures and Section 41954 (g)(1) of H&SC preempts districts from adopting or enforcing procedures or performance standards that are stricter than those adopted by the state board.

In order to verify that systems/components meet the required standards, systems/components must be installed and tested at a GDF for the period specified by the Certification Procedures. This action is necessary in order to allow vapor recovery system/component manufacturers to develop new technologies to better reduce VOC emissions from GDFs. Although systems/components undergoing certification have not been certified by CARB, they are expected to perform as certified systems/components. Prior to CARB issuing a letter to the manufacturer allowing such installation, the manufacturer must present to CARB documentation of performance/testing showing that the proposed system/component passed certain tests and performed as required in the Certification Procedures. Therefore, systems/components being evaluated for certification purposes that comply with the requirements of CARB Certification Procedures are considered an alternative to the CARB Certified Phase II Vapor Recovery System.

Onboard Refueling Vapor Recovery (ORVR) at Fleet Facilities: Section 202(a)(6) of the Federal Clean Air Act allows the removal of Phase II Vapor Recovery Systems when at least

95 percent of vehicles fueled are equipped with ORVR. District Rule 449 exempts non-retail facilities from Phase II Vapor Recovery System requirements only if 100 percent of the vehicles fueled are equipped with ORVR. Therefore, fueling of only ORVR vehicles at fleet facilities is considered an alternative to having a Phase II Vapor Recovery System.

E85 Fuel Dispensers: EPA expects E85 vehicles to be equipped with ORVR. Therefore, fueling of E85 vehicles from E85 dispensers is considered an alternative to a Phase II Vapor Recovery System.

For more information on EPA's guidance with regard to ORVR, see EPA's 12/12/06 memo "Removal of Stage II Vapor Recovery in Situations Where Widespread Use of Onboard Refueling Vapor Recovery is Demonstrated" found in Attachment A at the end of this document

Therefore, the only approved technologies in California for the control of Volatile Organic Compounds (VOC) emissions from the transfer of gasoline or E85 from any stationary storage tank or delivery vessel into any motor vehicle fuel tank are:

- 1) The use of a CARB-certified Phase II vapor recovery system,
- 2) The fueling of vehicles at non-retail facilities where 100 percent of the vehicles being fueled are equipped with ORVR, or
- 3) The use of E85 dispensers to dispense E85 fuel into flexible fuel vehicles, or
- 4) The use of any system or component being evaluated for certification purposes and operating under current and valid CARB authorization.

B. TECHNOLOGICALLY FEASIBLE ALTERNATIVES (Rule 202, §205.1.b.):

Any alternative basic equipment, fuel, process, emission control device or technique, singly or in combination, determined to be technologically feasible by the Air Pollution Control Officer.

As stated above, California Health and Safety Code, Section 41954 (g)(1) preempts districts from adopting or enforcing procedures or performance standards that are stricter than those adopted by the state board. Therefore, there are no other technologically feasible alternatives.

C. SELECTION OF BACT:

Based on the above analysis, BACT for control of VOC from Transfer of Gasoline or E85 into Motor Vehicle is:

- 1) The use of a CARB-certified Phase II vapor recovery system,
- 2) The fueling of vehicles at non-retail facilities where 100 percent of the vehicles being fueled are equipped with ORVR and meeting the requirements of Rule 449 §114, or
- 3) The use of E85 dispensers to dispense E85 fuel into flexible fuel vehicles, or
- 4) The use of any system or component being evaluated for certification purposes and operating under current and valid CARB authorization.

D. SELECTION OF T-BACT:

The toxics at issue with this technology are VOCs. The control of VOCs through meeting the BACT standard will also control toxics found in the VOCs. Therefore, the BACT VOC controls are also the T-BACT controls.

E. DURATION OF BACT DETERMINATION:

Since California Health and Safety Code (H&SC), Section 41954 (g)(1) preempts districts from adopting or enforcing GDF vapor recovery procedures or performance standards that are stricter than those adopted by the state board, this BACT determination will remain active until one of the following occurs:

- 1) California Health and Safety Code (H&SC), Section 41954 (g)(1) is revised to allow districts to adopt procedures or performance standards that are stricter than those adopted by the state board, or
- 2) The Environmental Protection Agency (EPA) adopts GDF vapor recovery procedures or performance standards that are stricter than those adopted by the state board.

As of November 8, 2021, there are no changes to California Health and Safety Code (CH&SC), Section 41954 (g)(1) or 40 CFR 63 CCCCCC, the federal requirement for GDF's.

APPROVED BY: *Brian F Krebs* **DATE:** 01-14-2022

Attachment A

EPA memorandum dated December 12, 2006



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

DEC 12 2006

MEMORANDUM

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

SUBJECT: Removal of Stage II Vapor Recovery in Situations Where Widespread Use of Onboard Refueling Vapor Recovery is Demonstrated

FROM: Stephen D. Page, Director *Steve Page*
Office of Air Quality Planning and Standards

Margo Tsigotis Oge, Director *Margo T. Oge*
Office of Transportation and Air Quality

TO: Regional Air Division Directors

The purpose of this memorandum is to provide guidance to States concerning the removal of Stage II gasoline vapor recovery systems, where States demonstrate to EPA that widespread use of onboard refueling vapor recovery (ORVR) has occurred in specific portions of the motor vehicle fleet. The specific fleets addressed here include:

1. initial fuelling of new vehicles at automobile assembly plants
2. refueling of rental cars at rental car facilities
3. refueling of flexible fuel vehicles at E85 dispensing pumps

Background

Stage II vapor recovery systems are required to be used at gasoline dispensing facilities located in serious, severe, and extreme non-attainment areas for ozone under section 182(b)(3) of the Clean Air Act (CAA). States have included these control measures in their federally-approved state implementation plans (SIPs) in the form of generally applicable regulatory requirements governing all gasoline dispensing facilities that exceed the relevant gasoline dispensing throughput criteria. However, section 202(a)(6) of the CAA allows EPA to revise or waive the section 182(b)(3) Stage II requirement for these ozone non-attainment areas after the Agency determines that ORVR is in widespread use throughout the motor vehicle fleet.

CAA section 202(a)(6) does not specify which motor vehicle fleet must be the subject of a widespread use determination before EPA may revise or waive the section 182(b)(3) Stage II requirement. Nor does the CAA identify what level of ORVR use in the motor vehicle fleet must be reached before it is "widespread." EPA expects the possibility of

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different rates of the implementation of ORVR across different geographic regions and among different types of motor vehicle fleets within any region. Given this, EPA does not believe that CAA section 202(a)(6) must be read narrowly to allow a widespread use determination and waiver of the Stage II requirement for a given area or area's fleet only if ORVR use has become widespread throughout the entire United States, or only if ORVR use has reached a definite level in each area. Rather, EPA believes that section 202(a)(6) allows the Agency to apply the widespread use criterion to either the entire motor vehicle fleet in a State or non-attainment area, or to special segments of the overall fleet for which ORVR use is shown to be sufficiently high, and to base widespread use determinations on differing levels of ORVR use, as appropriate. Moreover, a single national rulemaking is not needed to grant such a waiver for a specific area. Instead, EPA believes that the Act allows the Agency to use an area-specific rulemaking approving a SIP revision to issue the section 202(a)(6) waiver for a relevant fleet in a non-attainment area, where a State meets the recommended criteria discussed below.

Various metrics have been studied for demonstrating widespread use of ORVR in motor vehicle fleets. One metric focuses on the percentage of vehicles in service that are ORVR-equipped. Based on our preliminary analysis, this metric seems to track fairly closely with the percentage of vehicle miles traveled (VMT) from ORVR-equipped vehicles, and with the percentage of gasoline sold which is dispensed to ORVR-equipped vehicles. In fact, since newer vehicles tend to be driven more miles than older models, VMT traveled by ORVR-equipped vehicles and gasoline dispensed to ORVR-equipped vehicles may exceed 95 percent in a 95 percent ORVR-equipped fleet.

Another metric that EPA considered is when VOC emissions resulting from the application of ORVR controls alone equal the VOC emissions when both Stage II vapor recovery systems and ORVR controls are used, after accounting for incompatibility excess emissions. The incompatibility excess emissions factor relates to losses in control efficiency when certain types of Stage II and ORVR are used together. Studies conducted in three northeastern states indicate that when the percentages of motor vehicles in service with ORVR, vehicle miles traveled by ORVR-equipped vehicles, or gasoline dispensed to ORVR-equipped vehicles are above 95 percent, then the widespread use metric based on comparable VOC emissions will likely have been reached. For this reason, EPA believes that if 95 percent of the vehicles in a fleet have ORVR, then widespread use will likely have been demonstrated.

1. Initial Fueling at Automobile Assembly Plants

Based on our preliminary analysis, EPA expects that if a State's submission of a SIP revision shows that 95 percent of the new vehicles fueled at an automobile assembly plant are equipped with ORVR, and that this level of ORVR use would not decrease, the Agency can determine that widespread use of ORVR has been achieved for the fleet of motor vehicles that are fueled at that facility.

Since model year 2000, all passenger cars have been required to have ORVR. Also since 2006, all light duty trucks, SUVs and medium duty vehicles are required to be equipped

with ORVR. There may be a few situations, such as the chassis for motorized mobile homes, which still do not have ORVR. However, the number of these would be small. It is apparent that at most automobile assembly plants greater than 95 percent of the vehicles manufactured would have ORVR. Many assembly plants manufacture 100 percent ORVR equipped vehicles. Only such new vehicles are expected to be fueled at the automobile assembly plants.

States desiring to remove the Stage II requirement for these facilities would need to submit a SIP revision that EPA would evaluate through notice and comment rulemaking. The SIP would need to demonstrate that the widespread use benchmark has been achieved and provide assurance that any facility wishing to remove Stage II equipment maintains its eligibility for its motor vehicle fleet. Any EPA SIP approval would also be subject to the CAA section 110(i) requirement that the revision not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other requirement of the CAA.

2. Refueling of Rental Cars at Rental Car Facilities

Similarly, EPA expects that if a SIP revision submission demonstrates that 95 percent of the vehicles in an automobile rental fleet refueling at a rental car facility are equipped with ORVR and that this level of ORVR use would not decrease, then widespread use of ORVR could be found for the motor vehicle fleet refueling at that facility. Most large rental car companies rent current model vehicles that would all have ORVR. There may be truck rental companies which have older vehicles which do not have ORVR and that would not be able to demonstrate widespread use of ORVR for their fleets. As discussed above, any SIP revision would be subject to CAA section 110(i) and other applicable requirements, and State and local agencies should consider any potential transportation conformity impacts if Stage II is currently included in a SIP's on-road motor vehicle emissions budget.

3. Refueling Flexible Fuel Vehicles at E85 Dispensing Pumps

E85 is a motor vehicle fuel that is a blend of as little as 15 percent gasoline and up to 85 percent ethanol. (In wintertime applications, the ratio may be 30 percent gasoline and 70 percent ethanol.) Ethanol is ethyl alcohol, a type of alcohol which can be produced from renewable resources such as corn. Based on the agency's survey of existing SIPs, EPA believes that most States have defined "gasoline" (for purposes of controlling emissions of VOC from refueling activities) to include gasoline/alcohol blends that have the same volatility as E85. EPA's guidance for States in developing their Stage II SIPs in the early 1990s suggested that States use the same definition of "gasoline" as the one found in EPA's Standards of Performance for Bulk Gasoline Terminals at 40 C.F.R. 60.501, which includes "any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (kPa) or greater which is used as a fuel for internal combustion engines." EPA recommended using this definition to most broadly reach situations in which refueling of motor vehicles results in evaporative VOC emissions that contribute to ozone non-attainment concentrations, and to avoid a narrow interpretation of what is "gasoline" that

would allow significant VOC emissions from motor vehicle refueling activities in non-attainment areas to go uncontrolled.

E85 can only be used in specially designed flexible fuel vehicles (FFVs), which have mostly been manufactured since 1998. Since these are newer vehicles, most of them are equipped with ORVR, and every FFV built today has ORVR. Thus, most vehicles refueling at E85 dispensing pumps are already having their evaporative emissions captured, as in the cases of late model rental cars refueling at rental car facilities and newly manufactured cars being fueled for the first time at automobile assembly plants. EPA estimates that 59 percent of FFVs in current use are equipped with ORVR. The percentage of FFVs with ORVR will continue to climb as older vehicles are taken out of service and new models join the fleet. Across different ozone non-attainment areas and between States, these percentages may vary.

EPA believes that encouraging the use of E85 as a motor vehicle fuel reduces emissions of other air pollutants such as CO and benzene, a known human carcinogen, and reduces emissions of greenhouse gases. In addition, based on available information, the Agency is concerned that there is currently a lack of certified Stage II equipment for E85 (which may require different materials of construction than conventional Stage II equipment), and that the timing for when certified E85-compatible equipment will become widely available is uncertain. This may unnecessarily hinder E85 distribution in areas that now require Stage II.

Unlike in the cases of automobile assembly plants and rental car facilities, EPA is not recommending a specific percentage of the FFV fleet that should have ORVR before widespread use could be determined. This is because most E85 compatible vehicles are already equipped with ORVR and this percentage is increasing over time, whereas for automobile assembly plants and car rental facilities very high percentages of ORVR use have in most cases already been reached and are not expected to further increase significantly. The general use of ORVR in FFVs, instead, is expected to significantly increase, as are the miles driven by and amount of fuel dispensed to recent ORVR-equipped FFVs compared to those manufactured before 2000 without ORVR.

Moreover, we believe that in determining whether widespread use of ORVR has been demonstrated, it is reasonable under section 202(a)(6) to consider the VOC emissions impacts of removing Stage II, and that those impacts may inform the percentage of ORVR-equipped vehicles that would need to be achieved for a specific motor vehicle fleet or in a specific non-attainment area. EPA expects that the air quality impact of allowing E85 refueling facilities to operate without Stage II controls would likely be minimal in most non-attainment areas. FFVs currently comprise about 2 percent of the total US fleet. Non-ORVR FFVs are less 1 percent of the total U.S. vehicle fleet. EPA estimates that non-ORVR FFVs participate in only about 0.5 percent of all refueling events. Furthermore, because of the relatively small number of stations that offer E85 (around 1,000 out of 170,000 total refueling stations) EPA believes that very few of these non-ORVR refueling events actually occur at E85 pumps.

Considering the factors discussed above, if an area can demonstrate that any increase in emissions caused by operating E85 fueling facilities without Stage II controls is so small as to clearly not interfere with attainment of the ozone standard or reasonable further progress or any other applicable CAA requirement, then EPA expects it could find that ORVR is in widespread use for FFVs when refueling at E85 facilities in this area. These areas could then allow E85 facilities to operate without Stage II controls, after modifying their SIPs such that E85 is not included within the definition of "gasoline" for purposes of Stage II vapor recovery controls (or after taking other necessary SIP revision action). As discussed above, States would need to submit SIP revisions affecting this change to their current Stage II SIPs, which EPA would evaluate through notice and comment rulemaking, subject to the provisions of CAA section 110(l). In addition, State and local agencies should consider if there are any transportation conformity impacts related to removing Stage II, if emissions reductions from Stage II are included in a SIP's on-road motor vehicle emissions budget. Due to the expected rapid growth of E85 installations, EPA will explore the development of ways to expedite the SIP revision process for States which are dealing with the E85 issue.

General Exclusions from Widespread Use Determinations

States in the ozone transport region (OTR) are still required to apply Stage II, or a comparable measure, in all areas under 184(b)(2) of the CAA. This requirement is not affected by any widespread use determination or waiver of the section 182(b)(3) requirement granted under section 202(a)(6). For the independent section 184(b)(2) "comparable measure" requirement to not prevent an appropriate removal of Stage II controls, OTR States may want to revisit their previously approved comparable measure SIPs to consider substituting available non-Stage II measures for the Stage II controls they currently require.

Also, some States have chosen to add Stage II vapor recovery system requirements in their SIPs for ozone nonattainment areas that are classified in a category lower than "serious." While it is not necessary for States to demonstrate ORVR is in widespread use in moderate or cleaner ozone non-attainment areas, a revision of previously adopted SIP requirements to specifically waive Stage II requirements in such areas would need to comply with the provisions of CAA section 110(l) and, as described above, consider any transportation conformity impacts as applicable.

This guidance for widespread use determinations for special sectors would not necessarily apply to widespread use determinations for the general motor vehicle fleet. Within the overall motor vehicle fleet, the rate of penetration of ORVR-equipped vehicles has not advanced at the same rapid rates as for the fleets discussed in this memorandum. EPA is still considering the possible criteria for determining widespread use for the general fleet.