

POTPOURRI**Department of Environmental Quality
Office of Environmental Services
Air Permits Division****Suspension of Stage II Vapor Recovery Systems Requirements
For Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities
(LAC 33:III.2132)**

On May 16, 2012, the EPA published a notice in the Federal Register (77 FR 28772) stating the EPA Administrator signed a notice of final rulemaking determining that onboard refueling vapor recovery systems are in widespread use throughout the motor vehicle fleet. Therefore, the EPA Administrator exercised her authority to waive the statutory requirements that ozone nonattainment areas adopt and implement EPA programs requiring Stage II gasoline vapor recovery systems at certain gasoline dispensing facilities. (1211Pot1)

Notice is given that the Department of Environmental Quality (DEQ) is hereby suspending the requirements under LAC 33:III.2132 to install CARB approved Stage II Vapor Recovery Systems in newly constructed Motor Vehicle Fuel Dispensing Facilities (MVFDF) after May 16, 2012 in the affected parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge.

The suspension of these requirements only applies to:

1. Any new MVFDF that began construction on or after May 16, 2012 and has not begun dispensing fuel, and would otherwise be required under LAC 33:III.2132 to install CARB approved Stage II Vapor Recovery Systems;
2. Any new MVFDF that has not begun dispensing fuel - which began construction before May 16, 2012, and which can certify that Stage II equipment has not begun to be installed at the facility;
3. Any existing MVFDF that becomes subject to Stage II requirements due to an increase in throughput as specified in LAC 33:III.2132 on or after May 16, 2012 and would otherwise be required to install Stage II Vapor Recovery Systems.

MVFDFs currently equipped with Stage II systems must continue to comply with existing Stage II requirements in LAC 33:III.2132. Also, MVFDFs that meet the requirements of this directive must continue to comply with the Stage I requirements in LAC 33:III.2131. A violation of effective regulations may subject the violator to enforcement.

DEQ will continue to evaluate the Stage II regulations and the State Implementation Plan for possible withdrawal of Stage II Systems requirements in LAC 33:III.2132 pursuant to EPA guidance. Please be advised that any discretion exercised by the Department is not necessarily representative of any action the EPA or any third parties may initiate.

If you have questions, please call Vivian Aucoin at (225) 219-3389 or Gilberto Cuadra at (225) 219-3419, or via email to Vivian.aucoin@la.gov or to Gilberto.cuadra@la.gov

Herman Robinson, CPM
Executive Counsel