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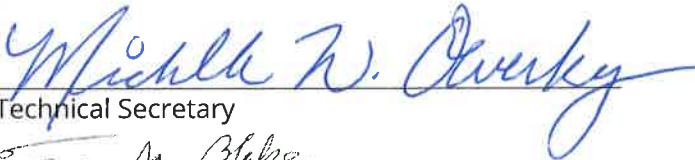
APC-SIP-G-01-GDF at Major Sources - 102017

Guidance on Control Requirements for Gasoline Dispensing Facilities at Major Sources of HAP Emissions

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Effective Date: October 20, 2017

Signatures:



Technical Secretary



Drafter/Preparer

Drafter/Preparer

Purpose:

The purpose of this guidance is to clarify the non-applicability of Tennessee Comprehensive Rules and Regulations 1200-03-18-.24 and 40 CFR 63 Subpart CCCCC to major sources of Hazardous Air Pollutant emissions and to establish the control requirements applicable to gasoline dispensing facilities (GDFs) located at major sources of Hazardous Air Pollutant emissions.

Background

Tennessee Comprehensive Rules and Regulations 1200-03-18-.24 (Gasoline Dispensing Facilities) was adopted in 1993 and revised in 1993, 1996, 2003, 2004, and 2006 to control emissions of volatile organic compounds (VOC) in ozone nonattainment or maintenance areas and in areas subject to Early Action Compacts for ozone¹. This rule was part of Tennessee's State Implementation Plan (SIP) for control of ambient ozone.

¹ The original rule was adopted in 1993, and revisions were adopted in 1993, 1996, 2003, 2004, and 2006.

The original rule required the control of VOC emissions from filling of gasoline storage tanks (Stage I vapor recovery) and motor vehicle fueling (Stage II vapor recovery) in Davidson, Rutherford, Sumner, Williamson, and Wilson Counties. Subsequent revisions expanded the requirement to install Stage I vapor recovery to twenty four additional counties (Anderson, Blount, Carter, Cheatham, Dickson, Fayette, Hamilton, Hawkins, Haywood, Jefferson, Knox, Loudon, Marion, Meigs, Montgomery, Putnam, Robertson, Sevier, Shelby, Sullivan, Tipton, Unicoi, Union, and Washington).

Tennessee substantially revised 1200-03-18-.24 in 2016, for several reasons.

- On January 10, 2008, the U. S. EPA promulgated 40 CFR 63 Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities). Subpart CCCCCC established national emission limitations, management practices, and compliance requirements for hazardous air pollutants (HAP) emitted from the loading of gasoline storage tanks at GDFs. Tennessee elected to adopt a more uniform GDF standard for all counties within the state.
- Tennessee elected to remove the Stage II vapor recovery requirement in the five-county affected area, due to the widespread adoption of onboard refueling vapor recovery systems.
- Tennessee adopted permit-by-rule regulations, which allowed certain source categories, including GDFs, to comply with the rule in lieu of obtaining construction and operating permits.

The revised State rule adopts the requirements of Subpart CCCCCC by reference. To comply with the requirements of section 110(l) of the Clean Air Act², specific exceptions to the Federal rule were included in 1200-03-18-.24(1).

Rule Applicability

In August 2017, the Division of Air Pollution Control was contacted with questions regarding the applicability of 1200-03-18-.24 (and, by extension 40 CFR 63 Subpart CCCCCC) to major sources of HAP emissions. Subpart CCCCCC expressly applies only to area sources of HAP emissions, but certain paragraphs of 1200-03-18-.24 could be construed to apply to major sources of HAP³. Because the pre-2016 requirements of 1200-03-18-.24 are not identical to Subpart CCCCCC⁴, a major source of HAP could be considered in violation of Subpart CCCCCC on the effective date of the revised state rule (July 14, 2016).

The Division of Air Pollution Control has reviewed the rule language in light of these concerns. We do not interpret the current 1200-03-18-.24 as applicable to major sources; therefore, we would not

² CAA §110(l) is an anti-backsliding provision in Federal law, which states that SIP revisions shall not interfere with attainment and reasonable further progress, or any other applicable requirement of the Federal Act.

³ Large manufacturing facilities may include GDFs. Although the GDF is not the primary business of the facility, it meets the definition in 40 CFR §63.11132 (any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine).

⁴ For example, certain storage tanks that were exempt under 1200-03-18-.24 are not exempted by Subpart CCCCCC. Subpart CCCCCC also requires periodic testing that was not required by the old State rule. Other differences in the pre-2016 State rule and the Federal rule are enumerated in Tennessee's CAA §110(l) demonstration for the 2016 rule changes.

enforce the rule against gasoline dispensing facilities located at major sources. In support of our interpretation, we note that major source applicability is not listed as an exception in subparagraphs (a) through (d) of 1200-03-18-.24. In order to clarify our original intended interpretation of the rule, we will follow this guidance with rulemaking.

Emission Requirements

GDFs located at major sources of HAP emissions are not subject to Federal NSPS (40 CFR Part 60) or NESHAP (40 CFR Parts 61 and 63) requirements. Tennessee Comprehensive Rules and Regulations 1200-03-07-.07(2) regulates gaseous emissions, including VOC and gaseous HAP emissions, from process emission sources as follows:

Any person constructing or otherwise establishing an air contaminant source emitting gaseous air contaminants after April 3, 1972, or relocating an air contaminant source more than 1.0 km from the previous position after November 6, 1988, shall install and utilize equipment and technology which is deemed reasonable and proper by the Technical Secretary.

For GDFs located at major sources of HAP emissions, 1200-03-07-.07(2) should be interpreted as follows:

- For any GDF located at a major source of HAP that was required to install Stage I vapor recovery prior to July 14, 2016, the Division has determined that continued operation and maintenance of existing Stage I controls meets the “reasonable and proper” requirement of Rule 1200-03-07-.07(2). If controls were required prior to July 14, 2016, but not installed, compliance and enforcement shall be determined on a case-by-case basis.
- For any major source of HAP that was required to control emissions during motor vehicle fueling (Stage II vapor recovery), the facility would no longer be subject to Stage II requirements as of July 14, 2016. Stage II controls may be removed provided that emissions increases resulting from the change will not exceed significance thresholds under the Prevention of Significant Deterioration or Nonattainment New Source Review requirements.
- For any GDF located at a major source of HAP that was in operation prior to July 14, 2016, but not required to install Stage I vapor recovery, Stage I controls are not required. However, the Division may require these controls in the future, as needed to comply with the requirements of the Clean Air Act and Tennessee Air Quality Act.
- For any GDF located at a major source of HAP that was not in operation prior to July 14, 2016, the Division may require Stage I vapor recovery or equivalent controls as needed to comply with the requirements of the Clean Air Act and Tennessee Air Quality Act.

Revision History Table

Revision Number	Date	Brief Summary of Change
0	October 20, 2017	Original document