

TDEC's Division of Air Pollution Control developing changes that will benefit GDFs

Changes are coming in the future relating to Air Pollution Control rules for gas stations. First, the State of TN Stage I and II vapor control rules have been revised. These changes aligned the rule more closely with the Federal Gasoline Dispensing Facility (GDF) rule. The revisions were implemented on July 14, 2016. Second, the TN Division of Air Pollution Control is developing Permit-by-Rule for GDFs. This will simplify permitting for GDFs and speed the process up.

The revisions to the Stage I and II rules did several things for GDFs. The biggest change was the removal of Stage II requirements from the 5 counties that are currently required to have Stage II. Davidson County is one of the 5 counties, but has its own Air Pollution Control program. The Davidson County APC changed their rules for Stage II at the same time as the State of TN. Facilities within Davidson County should contact the Davidson County APC for further information. Other changes were to incorporate the Federal rule into the State rules by reference. The 28 counties that were previously subject to the State rule retained their current requirements. This means submerged fill for all levels of monthly throughput and Stage I vapor controls at the 10,000 gallons/month throughput amount. Also, E-85 is no longer exempt from Stage I requirements.

The State and Federal rules have been in place since 2011. GDFs currently in compliance should not see many changes. The biggest change will be for those that currently have Stage II vapor controls. These GDFs will need to decommission Stage II vapor controls by July 14, 2019. The decommissioning will need to follow the Petroleum Equipment Institute (PEI) guidance, "[Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites, PEI/RP300-09](#)". Whoever does the decommissioning should be familiar with the process outlined in the guidance. Notification of the decommissioning is required via email or direct mail 7 days prior to the decommissioning. Refer to the [SBEAP website \(\)](#) for what information needs to be included in this notification.

The second change that is coming is Permit-by-Rule. The development of Permit-by-Rule for GDFs will simplify the permitting process for GDFs. With the Permit-by-Rule, GDFs will need to submit a Notice of Intent. The TN Division of Air Pollution Control will then issue a Notice of Authorization to construct, modify, or operate rather than an air quality permit. Under Permit-by-Rule, all of the regulatory requirements are specified in the rules themselves. For GDFs, this will be similar to how they register with UST and operate according to their rules and manuals. No written permit will be received. Instead, GDFs will be referred to the rules that apply to them. Materials are available on the [SBEAP GDF website \(\)](#) under Permit and Notification Information for New and Existing Facilities that help explain the requirements to be in compliance. Once Permit-by-Rule is in place, it will be an option for both new and existing GDFs.

The TN Division of Air Pollution Control recognizes that during this time of transition that there will be many questions. Also, some GDFs may be unsure of what is required of them. As such, the Division of Air Pollution Control is planning to institute a Permit-by-Rule Transition Program that applies to GDFs that do not currently have a permit. What this means is that new GDFs will not need to apply for a

construction permit. Also, existing GDFs that do not yet have a permit would not need to apply for a standard permit. However, existing GDFs that have a permit already should continue to comply with their permit. It DOES NOT exempt facilities from constructing or operating in accordance with the rules affecting GDFs. It also does not mean that a GDF will not have to submit anything. In order to qualify for the Transition Program, a GDF will need to submit the following information instead of a permit application:

1. The owner/operator must submit a notification to APC with the name and contact information (including email) of the owner/operator and responsible official of the GDF, location of the GDF, and identification of the GDF;
2. A commitment from the responsible official to comply with the applicable regulatory requirements for the GDF;
3. A commitment to provide an update of any information provided in #1 within a timely manner;
4. A commitment to submit a Permit-by-Rule Notice of Intent within 60-days the effective date of a Permit-by-Rule applicable to the source category in question; and
5. The GDF cannot be located at a major source subject to Title V or at a facility which has applied for or obtained a Conditional Major permit.

A form for submitting this information is available at the SBEAP website (<http://www.tn.gov/environment/article/sbeap-permit-by-rule>). The SBEAP is available to answer any questions GDFs may have regarding either Stage II or Permit-by-Rule. Contact the SBEAP by phone at 800-734-3619 or by email at BGSBEAP@tn.gov.