# STATE OF CONNECTICUT
## DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Statement of Reasons Pursuant to 4-168d**
**of the Connecticut General Statutes**

**Hearing Report**

**Amendment to the Regulations of Connecticut State Agencies (RCSA) Concerning:**

**Definition of Volatile Organic Compound - RCSA section 22a-174-1(97),**
**Control of Organic Compounds - RCSA section 22a-174-20(*l*), and**
**Dispensing of Gasoline/Stage II Vapor Recovery - RCSA section 22a-174-30(e)**

**Hearing Officer Jennifer H. Schmidt**
May 22, 1996

On November 9, 1995, the Commissioner of the Department of Environmental Protection ("Department") signed a notice of intent to amend sections 22a-174-1(97), 22a-174-20(*l*), and 22a-174-30(e) the Regulations of Connecticut State Agencies (RCSA) concerning the definition of a volatile organic compound (VOC), the control of organic compounds, and dispensing of gasoline/stage II vapor recovery, respectively. Pursuant to such notice, a public hearing was held on December 22, 1995. The public comment period for these proposed amendments closed on December 29, 1995.

### I. Outline of this Report

This report describes the amendments to the Regulations of Connecticut State Agencies as proposed for hearing; the final wording of the proposed regulations; a statement of the principal reasons in support of the Department's intended action; and a statement summarizing written or oral comments in opposition to the proposed regulations and the Department's reasons for rejecting such comments.

### II. Summary of the Proposed Amendments

Definition of Volatile Organic Compound - RCSA §22a-174-1(97):

This regulation is being amended to include (1) acetone, (2) cyclic, branched, or linear



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completely methylated siloxanes (a.k.a. VMS), and (3) parachlorobenzotrifluoride (PCBTF) to the list of exemptions from the definition of VOC in table 1(a)-1 contained in R.C.S.A section 22a-174-1(97). In October, 1994 the U.S. Environmental Protection Agency (EPA) published a final rule revising the definition of VOC to exclude VMS and PCBTF. (Vol. 59 Federal Register No. 192, p.50693). In June, 1995, EPA published a final rule revising the definition of VOC by excluding acetone. (Vol. 60 Federal Register No. 116, p. 31637). These compounds were determined by EPA to have negligible photochemical reactivity. The Department is proposing this amendment to be consistent with federal treatment of these compounds.

Control of Organic Compound Emissions - RCSA §22a-174-20(*l*):

This regulation is being amended to allow the Commissioner to deem an uncovered cold cleaning unit in compliance with specific requirements of subsection 20(*l*) if the owner or operator of such unit demonstrates in writing that such uncovered unit's control of VOC emissions is greater than or equal to that of a similar, covered, cold cleaning unit which meets such specified requirements. The changes also delete obsolete portions of RCSA section 22a-174-20(*l*) and make minor clarifications and corrections of typographical errors.

Dispensing of Gasoline/Stage II Vapor Recovery System Regulation - RCSA §22a-174-30(e):

The Department requires certain gasoline dispensers to include stage II vapor recovery pursuant to section 182(b)(3) of the Clean Air Act Amendments of 1990 (CAAA). These are systems that collect and contain vapors displaced into the air when motor vehicle gas tanks are filled. Certain Stage II systems utilize vacuums to draw gasoline vapors during refueling. The Department is amending this regulation to require that vacuum assisted Stage II equipment be inspected using the same test procedures utilized by the California Air Resource Board (CARB); namely the vapor decay/leak check test.

## III. Section 22a-174-1 - Definitions

A. Section 22a-174-1(97) of the R.C.S.A. will read as follows:

(97) "Volatile organic compound" or "VOC" means any compound of carbon which participates in atmospheric photochemical reactions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate and the organic compounds listed on Table 1(a)-1 below which the Administrator has designated as having negligible photochemical reactivity.

Table 1(a)-1
Exempt Volatile Organic Compounds

| | |
|---|---|
| methane | ethane |

1,1,1- trichloroethane
(methyl chloroform)

trichlorofluoromethane
(CFC-11)

chlorodifluoromethane
[(CFC-22)] (HCFC-22)

[1,1,1-trichloro 2,2,2-trifluoroethane]
1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE
(CFC-113)

1,2-dichloro- 1,1,2,2-tetrafluoroethane
(CFC-114)

chloropentafluoroethane
(CFC-115)

1,1,1,2-tetrafluoroethane
(HFC-134a)

1-chloro-1,1-difluoroethane
(HCFC-142b)

1,1,1-trifluoro- 2,2-dichloroethane
(HCFC-123)

2-chloro-1,1,1,2-tetrafluoroethane
(HCFC-124)

pentafluoroethane
(HFC-125)

ACETONE

CYCLIC, BRANCHED, OR LINEAR COMPLETELY METHYLATED SILOXANES

PARACHLOROBENZOTRIFLUORIDE
(4-CHLOROBENZOTRIFLUORIDE)

perfluorocarbon compounds which fall into these classes:

(i) cyclic, branched, or linear, completely fluorinated alkanes;

(ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

methylene chloride
(dichloromethane)

dichlorodifluoromethane
(CFC-12)

trifluoromethane
[(CFC-23)] (HFC-23)

1,1,-dichloro-1-fluoroethane
(HCFC-141b)

1,1,2,2-tetrafluoroethane
(HFC-134)

1,1,1-trifluoroethane
(HFC-143a)

1,1-difluoroethane
(HFC-152a)

(iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

B. Comments regarding section 22a-174-1(97)

**Comment:** EPA commented that the changes to Connecticut's definition appear to be consistent with the recently revised federal definition of VOC. EPA further commented that States which exempt acetone, VMS and PCBTF from the definition of VOC cannot claim credit for reductions of these compounds in any subsequent reasonable further progress (RFP) plans or ozone reduction strategies. EPA stated Connecticut must demonstrate that the exclusion of these compounds from the definition of VOC will not affect the post-1996 RFP's or ozone attainment plans. EPA indicated an acceptable demonstration could entail Connecticut showing: (1) the quantity (e.g., in tons per typical summer day) of acetone reduction previously anticipated as VOC reduction from VOC Reasonably Available Control Technology (RACT) and area source control strategies; and (2) that adopted control measures will ensure the anticipated VOC reductions will continue to be realized after the change to the definition of VOC.

**Response:** Connecticut's strategies for ozone reductions are listed in the "Connecticut Ozone Reduction Strategy for 1996: 15 Percent Reasonable Further Progress Plan" of December, 1994. This plan (the "15% Plan") relies on reducing VOC emissions from four main source categories:

a. gasoline marketing - reformulated gasoline, stage II vapor recovery, and loading rack vapor controls;

b. motor vehicle use - enhanced inspection and maintenance program, employee commute option, and Tier I tailpipe standards, and replacing older automobiles with newer, cleaner models;

c. solvents - stepped-up enforcement of cutback asphalt requirements, enforcement of VOC limits for architectural and industrial maintenance coatings and autobody paints; and

d. VOC RACT sources.

None of the first three categories emits any acetone, so the acetone exclusion will have no effect on the VOC reductions. These first three categories provide almost all the anticipated VOC reduction; little reduction (3.1 tons per day) is expected from the remaining category: VOC RACT controls.

The Department estimates that acetone represents only 40 pounds of the 3.1 tons per day (1.3%). Attachments 1 and 2 are appended to support this estimate.

Attachment 1 is a table ("Sources for which the New VOC RACT will Apply") from Connecticut's 15% Plan. This table shows that the VOC reductions expected to result from the VOC RACT regulation.

Attachment 2 ("Table Showing Tons Per Day of VOC Reductions, and of Acetone in the VOC Reductions, from Sources Identified as Being Subject to VOC RACT in the 15% Plan") shows the portion of the RACT reductions that are considered to be related to acetone.

The estimate in Attachment 2 was made using EPA's *Air Emissions Species Manual* (EPA 450/2-88-003a). Based on the source classification code (SCC) code of the VOC-emitting process, a VOC profile was identified, showing the percentage, if any, of acetone in the total VOC's from a typical process in that source category. From this percentage, the total tons per day of acetone was calculated.

The total emissions of acetone is only 0.02 tons, or 40 pounds. This number is well within the range of error of VOC estimation techniques and will not, in the Department's opinion, affect attainment. In addition, during implementation of VOC RACT the Department identified many more subject sources than originally anticipated in the 15% Plan, and the additional VOC reductions from these sources is expected to exceed 40 pounds per day. As a result, I believe exclusion of acetone from the definition of VOC will not affect Connecticut's post-1996 RFP or ozone attainment plans.

**IV. Section 22a-174-20(*l*) - Control of Organic Compounds**

A. Section 22a-174-20(*l*) of the R.C.S.A. will read as follows:

(l) Metal cleaning.

(l)(1) Definitions. For the purpose of this subsection:

"Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersion while maintaining the degreasing solvent below its boiling point. Wipe cleaning is not included in this definition.

"Conveyorized degreasing" means the continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized degreasing solvents.

"Degreasing solvent" means any ["]volatile organic compound["] used for metal cleaning.

"Freeboard height" means, for a cold cleaner, the distance from the liquid solvent in the

degreaser tank to the lip of the tank. For an open top vapor degreaser it is the distance from the solvent vapor level in the tank during idling to the lip of the tank. For a vapor conveyorized degreaser, it is the distance from the vapor level to the bottom of the entrance or exit opening whichever is lower. For a cold conveyorized degreaser, it is the distance from the liquid solvent level to the bottom of the entrance or exit opening whichever is lower.

"Freeboard ratio" means the freeboard height divided by the smaller interior dimension (length, width or diameter) of the degreaser.

"Open top vapor degreasing" means the batch process of cleaning and removing soils from metal surfaces by condensing hot degreasing solvent vapor on the colder metal parts.

"Metal cleaning" means the process of cleaning soils from metal surfaces by cold cleaning or open top vapor degreasing or conveyorized degreasing.

"Refrigerated chiller" means a device which is mounted above the water jacket and the primary condenser coils, consisting of secondary coils which carry a refrigerant to provide a chilled air blanket above the solvent vapor to reduce emissions from the degreaser bath. The chilled air blanket temperature, measured at the centroid of the degreaser at the coldest point, shall be no greater than thirty (30) percent of the solvent's boiling point in degrees Fahrenheit.

(l)(2) The provisions of this subsection apply with the following exceptions.

(A) Open top vapor degreasers with an open area smaller than one (1) square meter (10.8 square feet) are exempt from the provisions of parts (ii), (iv) and (v) of subparagraph (l)(4)(C) of this section;

(B) Conveyorized degreasers with a solvent/air interface smaller than two (2) square meters (21.6 square feet) are exempt from the provisions of subparagraph (l)(5)(C);

(C) Metal cleaning equipment which uses 1,1,1 trichloroethane, methylene-chloride, or trichlorotrifluoroethane.

(l)(3) [Between July 1, 1980 and July 1, 1990 the owner or "operator" of any cold cleaning unit shall meet the requirements of subparagraphs (A) through (F) of this subdivision. After July 1, 1990 the] EXCEPT AS PROVIDED FOR IN SUBDIVISION (L)(6), THE owner or ["]operator["] of any cold cleaning unit shall meet the requirements of [subparagraphs (A) through (K) of] this subdivision.

(A) Equip the cleaning device with a cover designed so that it can be easily operated with one hand.

(B) Equip the cleaning device with a facility for draining cleaned parts constructed internally so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(C) Store waste degreasing solvent only in covered containers and not dispose of waste degreasing solvent or transfer it to another party, in a manner such that greater than 20 percent of the waste degreasing solvent (by weight) can evaporate into the atmosphere.

(D) Close the cover whenever parts are not being handled in the cleaner for two (2) minutes or more, or when the device is not in use.

(E) Drain the cleaned parts for at least 15 seconds or until dripping ceases, whichever is longer.

(F) If used, supply a degreasing solvent spray that is a solid fluid stream (not a fine, atomized or shower type spray) at a pressure which does not exceed ten (10) pounds per square inch as measured at the pump outlet and perform such spraying within the confines of the cold cleaning unit.

(G) Install one of the following control devices if the solvent vapor pressure is greater than 4.3 kilo pascals (33 millimeters of mercury or 0.6 pounds per square inch) measured at 38 degrees celsius (1OO degrees Fahrenheit) or if the solvent is heated above 50 degrees Celsius (120 degrees Fahrenheit):

(i) freeboard that gives a freeboard ratio greater than or equal to 0.7; [or]

(ii) water cover (solvent must be [insoluable] INSOLUBLE in and heavier than water); or

(iii) other systems of equivalent control, equal to that of a "refrigerated chiller" or carbon adsorption approved by the [Commissioner] COMMISSIONER by permit or order.

(H) Minimize the drafts across the top of each cold cleaning unit such that whenever the cover is open the unit is not exposed to drafts greater than 40 meters per minute, as measured between 1 and 2 meters upwind, and at the same elevation as the tank lip.

(I) Do not operate the unit upon the occurrence of any visible solvent leak until such leak is repaired.

(J) Provide a permanent, conspicuous label on or posted near each unit summarizing the applicable operating requirements.

(K) Maintain a monthly record of the amount of solvent added to each unit and keep such record for a minimum of two (2) years after such record is made.

(l)(4) [Between July 1, 1980 and July 1, 1990 the owner or "operator" of any open top vapor degreaser shall meet the requirements of subparagraphs (A) through (E) of this subdivision. After July 1, 1990 the] THE owner or ["]operator["] of any open top vapor degreaser shall meet the requirements of [subparagraphs (A) through (P) of] this subdivision.

(A) Equip the vapor degreaser with a cover that can be opened and closed easily without disturbing the vapor zone.

(B) Provide the following safety switches:

(i) A condenser flow switch and device which shuts off the sump heat if the condenser coolant is not circulating or if the vapor level rises above the height of the primary condenser; and

(ii) A spray safety switch which shuts off the spray pump if the vapor level drops more than 10 centimeters (4 inches) below the lowest condensing coil.

(C) Install one of the following control devices:

(i) Powered cover, if the freeboard ratio is greater than or equal to 0.75, and if the degreaser opening is greater than 1 square meter (10 square feet); [or]

(ii) ["]Refrigerated chiller["]; [or]

(iii) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser); [or]

(iv) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of solvent/vapor area (when cover is open), and exhausting less than 25 parts per million of degreasing solvent averaged each complete adsorption cycle; or

(v) A control system, demonstrated to have control efficiency equivalent to or greater than that required of the carbon adsorption system required in this subparagraph which is approved by the ["Commissioner"]

COMMISSIONER by permit or order.

(D) Keep the cover closed at all times except when processing work loads through the degreaser.

(E) Store waste degreasing solvent only in covered containers and not dispose of waste degreasing solvent or transfer it to another party, such that greater than 20 percent of the waste degreasing solvent (by weight) can evaporate into the atmosphere.

(F) Minimize solvent carryout by:

(i) Racking parts to allow complete drainage; [and]

(ii) moving parts in and out of the degreasing unit at less than 3.3 meters per minute (11 feet per minute); [and]

(iii) holding the parts in the vapor zone at least thirty (30) seconds or until condensation ceases, whichever is longer; [and]

(iv) tipping out any pools of solvent on the cleaned parts before removal from the vapor zone; and

(v) allowing parts to dry within the degreasing unit for at least fifteen seconds or until visually dry, whichever is longer.

(G) Do not degrease porous or absorbent materials, such as cloth, leather, wood or rope.

(H) Do not occupy more than half of the degreaser unit's open top area with a workload.

(I) Do not load the degreasing unit to the point where the vapor level would drop more than ten (10) centimeters (4 inches) when the workload is removed from the vapor zone.

(J) Always spray within the vapor level.

(K) Operate the degreasing unit so as to prevent water from being visually detectible in solvent exiting the water separator.

(L) Do not expose the degreasing unit to drafts greater than forty (40) meters per minute (131 feet per minute) as measured between 1 and 2 meters upwind and at

the same elevation as the tank lip, nor provide exhaust ventilation exceeding twenty (20) cubic meters per minute per square meter (65 cubic feet per minute per square foot) of degreasing unit open area, unless necessary to meet OSHA requirements; [and]

(M) Do not operate the unit upon the occurrence of any visible solvent leak until such leak is repaired; [and]

(N) Provide a permanent, conspicuous label on or posted near each unit summarizing the applicable operating requirements[.]; 

(O) Maintain a monthly record of the amount of solvent added to each unit and keep such record for a minimum of two (2) years after such record is made[.]; AND

(P) If the open top vapor degreaser is equipped with a lip exhaust, the cover required in subparagraph (A) of this subdivision shall be located below the lip exhaust.

(l)(5) [Between July 1, 1980 and July 1, 1990 the owner or "operator" of any conveyorized degreaser shall meet the requirements of subparagraphs (A) through (G) of this subdivision. After July 1, 1990 the] THE owner or ["]operator["] of any conveyorized degreaser shall meet the requirements of [subparagraphs (A) through (M) of] this subdivision.

(A) Install one of the following control devices:

(i) ["]Refrigerated chiller["]; [or]

(ii) Carbon adsorption system, with ventilation greater than or equal to fifteen (15) cubic meters per minute per square meter (50 cubic feet per minute per square foot) of solvent/air area (when downtime covers are open), and exhausting less than twenty five (25) parts per million of degreasing solvent by volume averaged over each complete adsorption cycle; or[,]

(iii) A system, demonstrated to have a control efficiency equivalent to or greater than the that required of the carbon adsorption system required in this subparagraph which is approved by the ["Commissioner"] COMMISSIONER by permit or order.

(B) Provide the following safety switches:

(i) A condenser flow switch and device which shuts off the sump heat if the condenser coolant is not circulating or if the vapor level rises above the height of the primary coil; and

(ii) A spray safety switch which shuts off the spray pump or the conveyor if the vapor level drops more than ten (10) centimeters (4 inches) below the lowest condensing coil.

(C) Store waste degreasing solvent only in covered containers and not dispose of waste degreasing solvent or transfer it to another party, such that greater than twenty (20) percent of the waste degreasing solvent (by weight) can evaporate into the atmosphere.

(D) Rack parts to allow complete drainage.

(E) Maintain conveyor speed at less than eleven (11) feet per minute.

(F) Use either a drying tunnel, rotating basket, or other equivalent method to prevent cleaned parts from carrying out solvent liquid.

(G) Place covers over entrances and exits immediately after conveyors and exhausts are shutdown, leaving them in place until just prior to start-up.

(H) Minimize openings during operation so that entrances and exits will silhouette workloads with an average clearance between the parts and the edge of the degreasing unit opening of less than ten (10) centimeters (4 inches) or less than ten (10) percent of the width of the opening.

(I) Prevent water from being visually detectible in solvent exiting the water separator.

(J) Do not provide exhaust ventilation exceeding twenty (20) cubic meters per minute per square meter (65 cubic feet per minute per square foot) of degreasing unit open area, unless necessary to meet OSHA requirements.

(K) Do not operate the unit upon the occurrence of any visible solvent leak until such leak is repaired.

(L) Provide a permanent, conspicuous label on or posted near each unit summarizing the applicable operating requirements.

(M) Maintain a monthly record of the amount of solvent added to each unit and keep such record for two (2) years after such record is made.

(L)(6) THE COMMISSIONER MAY DEEM A COLD CLEANING UNIT IN COMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPHS (A), (B), AND (D) OF SUBDIVISION (1)(3), NOTWITHSTANDING THAT SUCH UNIT IS UNCOVERED, IF THE OWNER OR OPERATOR SUBMITS WRITTEN DOCUMENTATION TO THE

COMMISSIONER'S SATISFACTION DEMONSTRATING SUCH UNIT PROVIDES EQUAL OR BETTER CONTROL OF VOLATILE ORGANIC COMPOUND EMISSIONS THAN A SIMILAR COLD CLEANING UNIT MEETING SUCH REQUIREMENTS. THE COMMISSIONER WILL MAKE SUCH A DETERMINATION BASED UPON THE FOLLOWING CRITERIA:

(A) THE COLD CLEANER MUST HAVE A REMOTE SOLVENT RESERVOIR;

(B) THE SOLVENT USED IN THE COLD CLEANER MUST NOT HAVE A VAPOR PRESSURE THAT EXCEEDS 4.3 KPA (33MM HG OR 0.6 PSI) MEASURED AT 38° C (100° F) OR BE HEATED ABOVE 50° C (120° F);

(C) THE SINK-LIKE WORK AREA MUST HAVE AN OPEN DRAIN AREA LESS THAN 100 $CM^2$; AND

(D) EVIDENCE IS PROVIDED THAT WASTE SOLVENT WILL BE STORED OR PROPERLY DISPOSED OF WITH MINIMAL LOSS DUE TO EVAPORATION.

B. Comments regarding section 22a-174-20(*l*)

**Comment:** EPA stated the proposed amendment appears to allow the Commissioner to approve alternative control measures used on uncovered cold cleaners as being equivalent to those measures required by the current version of the regulation. EPA stated it is unclear what criteria would be used by Connecticut to make such a determination for uncovered units. EPA stated Connecticut must submit as part of the regulations, and EPA must approve, the criteria the Department plans to use for equivalency determinations. EPA suggested Connecticut include the exemption criteria discussed in a July 2, 1980 Memorandum (re: Exemption for Cold Cleaner Degreasers) to allow for a limited exemption, rather than the more general exemption the Department has proposed.

**Response:** I recommend the Department include the exemption criteria from the July 2, 1980 memorandum (re: "Exemption for Cold Cleaner Degreasers") in the final rule. The criteria will be added to subdivision (l)(6), rather than inserting it between the existing (l)(3) and (l)(4) (as it was suggested in the proposed amendment that was the subject of the hearing) so as to avoid the confusion which may result with respect to cross references elsewhere in the Department's regulations.

**Comment:** EPA stated since Connecticut's existing degreasing rule was approved into the SIP prior to the enactment of the CAAA, the Department must show that the revisions to the rule insure equivalent or greater reductions of VOC emissions, as required by the general savings clause, section 193 of the CAAA.

**Response:** With the addition of the four criteria as discussed in the above comment, the Department remains consistent with the general savings clause of the CAAA. According to the memorandum, the four criteria ensure equal or greater reductions of VOC emissions as the Reasonably Available Control Technology standard establishes.

**V. Section 22a-174-30(e) - Dispensing of Gasoline/Stage II Vapor Recovery**

A. Section 22a-174-30(e) of the R.C.S.A. will read as follows:

(e) Testing.

(1) Before commencing operation of a Stage II vapor recovery system, a person who owns, leases, operates or controls a dispensing facility subject to subdivision (b)(1), (b)(2), (b)(3) or (b)(4) shall conduct FUNCTIONAL testing to verify that such system has been properly installed [and is functioning properly]. Such tests shall include liquid blockage testing, PRESSURE DECAY/leak check testing, and all other related tests for automatic shutoff mechanisms and flow prohibiting mechanisms at the gasoline dispensers. Such tests shall be conducted in accordance with the test procedures in the EPA document "Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities" Vol II (EPA-450/3-91-022B, APPENDIX J).

(2) At least every five years or upon major system modification, whichever occurs first, a person who owns, leases, operates or controls a dispensing facility WITH EITHER A VAPOR BALANCE STAGE II VAPOR RECOVERY SYSTEM OR A VACUUM ASSIST STAGE II VAPOR RECOVERY SYSTEM shall conduct FUNCTIONAL testing to verify that the Stage II vapor recovery system is operating properly. Such testing shall include a PRESSURE DECAY/leak check test and any and all other functional tests that [were] ARE required by subdivision (e)(1). IN ADDITION, AT LEAST EVERY YEAR, A PERSON WHO OWNS, LEASES, OPERATES OR CONTROLS A DISPENSING FACILITY WITH A VACUUM ASSIST STAGE II VAPOR RECOVERY SYSTEM SHALL CONDUCT A PRESSURE DECAY/LEAK CHECK TEST TO VERIFY THAT THE VACUUM ASSIST SYSTEM IS OPERATING PROPERLY. THE PRESSURE DECAY/LEAK CHECK TEST SHALL BE CONDUCTED IN ACCORDANCE WITH THE TEST PROCEDURES IN THE EPA DOCUMENT ENTITLED "STAGE II VAPOR SYSTEMS FOR CONTROL OF VEHICLE REFUELING EMISSIONS AT GASOLINE DISPENSING FACILITIES", VOL II (EPA-450/3-91-022B, APPENDIX J). FOR THE PURPOSE OF THIS SECTION, A VACUUM ASSIST STAGE II VAPOR RECOVERY SYSTEM MEANS A SYSTEM USING A VACUUM GENERATING DEVICE TO DRAW GASOLINE VAPORS FROM A MOTOR VEHICLE'S GASOLINE FUEL TANK. For the purposes of this section, a major system modification shall be defined as:

(A) the repair or replacement of any stationary storage tank equipped with a Stage II vapor recovery system;

(B) the repair or replacement of any part of an underground piping system attached to a stationary storage tank equipped with a Stage II vapor recovery system, excluding the repair or replacement of any part of an underground piping system which is accessible for such repair or replacement without excavation;

(C) a change from a vapor balance Stage II vapor recovery system to a vacuum assist Stage II vapor recovery system; or

(D) a change from a vacuum assist Stage II vapor recovery system to a vapor balance Stage II vapor recovery system.

(3) Before a person other than a representative of the Department conducts testing pursuant to subdivision (e)(1) or (e)(2), the person who owns, leases, operates or controls the dispensing facility shall notify the Department's Bureau of Air Management at least four (4) business days in advance of such testing. Such notification shall include the date, time, and location of the test and the name and address of the person conducting the test.

(4) Any Stage II vapor recovery system which does not pass any test required by this subsection shall not be considered properly operating for the purposes of subsection (b) of this regulation.

B. Comments regarding section 22a-174-30(e)

**Comment:** Connecticut Petroleum Council (CPC) supported the adoption of the proposed amendment but said that it should be delayed until all service stations required to have Stage II vapor recovery systems in fact have them installed, tested and operational.

**Response:** I do not agree with CPC that the Department should delay the use of the pressure decay/leak check test until all Stage II vapor recovery systems are installed. The Department is implementing an aggressive enforcement strategy to address noncompliant stations.

There are two enforcement mechanisms available to enforce the requirements of the regulations so that the necessary reductions in emissions of volatile organic compounds and hazardous air pollutants are achieved and to "level the playing field" for the majority of station owners who have complied. These options are a referral to the Office of the Attorney General and the "tagging" of pumps by the Department of Consumer Protection (DCP) pursuant to PA 95-332. Several stations have already been referred to the Attorney General for appropriate enforcement action. In early April, approximately twenty-five percent of the non-compliant station owners were served with warning letters informing them that their pumps would be tagged out-of-service forthwith. DCP field staff began the actual tagging of pumps on May 2nd and completed the first round on May 9th.

Each station owner has the right to a hearing to adjudicate the case. As an alternative, they are given the opportunity to sign a consent order that will set a strict time schedule for the installation and testing of Stage II Vapor Recovery equipment. Subsequent to this first round of tagging, the majority of the stations requested and were issued consent orders and some stations have shut down. It is the Department's intent to move vigorously to complete the processing of bringing these last few stations into compliance.

## VI. Conclusion

Based upon the considerations in this Hearing Report, I recommend the proposed final regulations, as contained herein, be adopted by the Commissioner of Environmental Protection and submitted for approval by the Attorney General and the Legislative Regulations Review Committee.

Jennifer H. Schmidt
Hearing Officer

5/22/96
Date