

**Revision**  
**to**  
**ALLEGHENY COUNTY'S portion of the**  
**PENNSYLVANIA STATE IMPLEMENTATION PLAN**  
**For the**  
**Attainment and Maintenance of the National**  
**Ambient Air Quality Standards**

**Revision Tracking No. 91**

**Allegheny County Health Department**  
**Rules and Regulations**  
**Article XXI, Air Pollution Control**

**§2105.13, Gasoline Loading Facilities**  
**§2105.14, Gasoline Dispensing Facilities – Stage II Control**

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# 1. Revision

Deletions are shown with strikethroughs.  
Additions are shown in **larger font, bolded, and underlined.**

## PART E - SOURCE EMISSION AND OPERATING STANDARDS

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### SUBPART 1 - VOC SOURCES

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#### §2105.13 GASOLINE LOADING FACILITIES *{Subsection e amended mm/dd/20nn, effective mm/dd/20nn}*

- a. **Handling.** No person shall handle, or allow to be handled, gasoline in any bulk gasoline terminal, bulk gasoline plant, or other source subject to this Section in such manner that it is spilled, discarded in sewers, stored in open containers, or otherwise handled so as to result in uncontrolled evaporation into the open air.
- b. **Transfers.** No person shall transfer, or allow the transfer of, gasoline between any tank truck or trailer and any stationary storage tank located in a bulk gasoline terminal or bulk gasoline plant, or any small gasoline storage tank to which Subsection e below applies, unless:
  1. A vapor balance system is in good working order and is designed and operated during the transfer in such manner that:
    - A. Gauge pressure does not exceed 18 inches of water and vacuum does not exceed six inches of water in the gasoline tank truck;
    - B. Readings do not equal or exceed 100 percent of the lower explosive limit (LEL, measured as propane) at one inch from all points on the perimeter of a potential leak source when measured by the method referenced in §2107.04 of this Article during transfer operations; and
    - C. There are no avoidable visible liquid leaks during trans operations;
  2. Any truck, vapor balance system, or vapor disposal system, where applicable, that exceeds the limits in Paragraph b.1 above is repaired and retested according to the method referenced in §2107.04 of this Article within 15 days;
  3. There are no visually or audibly detectable leaks in the pressure/vacuum relief valves and hatch covers of the tank truck or the pressure/relief valves and hatch covers of the trailer, the truck tanks or storage tanks, or associated vapor and liquid lines during transfer; and
  4. The pressure and vacuum relief valves on stationary and vehicular tanks are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum or the highest allowable pressure and vacuum as specified in state or local fire codes, or the National Fire Prevention Association guidelines or other national consensus standard approved in writing by the Department. Upon demonstration to the Department's written satisfaction

by the owner or operator of an underground small gasoline storage tank that the vapor balance system required by Subsection e below will achieve a 90% vapor recovery efficiency without a pressure and vacuum relief valve and that an interlock system sufficient to ensure connection of the vapor recovery line prior to transfer of gasoline will be used, no pressure and vacuum relief valve shall be required. The vacuum setting on the pressure and vacuum relief valve on an underground storage tank may be set at the lowest vacuum setting which is sufficient to keep the vent closed at zero pressure and vacuum.

- c. **Bulk Gasoline Terminals.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline terminal into a vehicular tank unless:
1. There is in operation on the gasoline loading racks a vapor collection and disposal system reducing uncontrolled emissions by at least 90% by weight or emitting no more than 0.0668 pounds of gasoline for every 100 gallons of gasoline loaded;
  2. There is in operation on the gasoline loading racks a loading arm with a vapor collection adaptor and pneumatic, hydraulic or other mechanical means to force a vapor-tight seal between the adaptor and the hatch of the vehicular tank. A means shall also be provided to prevent gasoline drainage from the loading device when it is not connected to the hatch, and to accomplish complete drainage before disconnection. When loading is done by means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which are closed when disconnected; and
  3. Any person who operates, or allows to be operated, a bulk gasoline terminal shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

Compliance testing shall be done according to the provisions of §2107.04 of this Article.

- d. **Bulk Gasoline Plants.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline plant stationary tank into a vehicular tank unless such loading is done by means of bottom filling with the inlet flush with the vehicular tank bottom or by means of top-submerged filling with the fill pipe extending to within six inches of the bottom of the vehicular tank throughout the loading operation.

In addition, no person shall load, or allow to be loaded, gasoline into any stationary tank of a bulk gasoline plant, or from any such stationary tank into a vehicular tank, unless:

1. There is in operation on such stationary tank:
  - A. A vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; or
  - B. A floating roof complying with Paragraph b.1 and Subsection c of §2105.12 under this Article and a vapor recovery and disposal system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; and
2. Any person who operates, or allows to be operated, a bulk gasoline plant shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

- e. **Small Gasoline Storage Tanks.** No person shall load, or allow to be loaded, gasoline from any vehicular tank into any stationary storage tank having a capacity of 250 gallons or more if installed on or after January 1, 1979, or 2,000 gallons or more if installed before January 1, 1979, which is located in any gasoline handling facility unless there is in operation on such storage tank a vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section and unless the stationary tank is equipped with a submerged fill pipe extending to within six inches of the bottom of the tank throughout the loading operation.

The dispensing delivery tank shall remain vapor tight at all times except after all vapors have been disposed of in accord with the provisions of this Section.

Stationary storage tanks with a capacity less than 550 gallons that are used for agricultural purposes and that are equipped with a submerged fill pipe shall be exempted from the provisions of this Subsection.

1. **An owner or operator of a gasoline storage tank subject to this subsection may also be subject to 25 Pa. Code §129.61a, “Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control,” which is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.61a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**
2. **For the purposes of this subsection, references in 25 Pa. Code §129.61a to:**
  - A. **“Department” shall mean Department as defined under this Article, except at 25 Pa. Code §129.61a(k)(2) relating to PA DEP publishing notice in the Pennsylvania Bulletin of a CARB Executive Order of Certification of a second manufacturer for an enhanced conventional nozzle;**
  - B. **25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;**
  - C. **25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and**
  - D. **“Plan approval” shall mean Installation Permit.**

## **§2105.14 GASOLINE DISPENSING FACILITIES – STAGE II CONTROL**

*{Section amended June 13, 2005, effective July 10, 2005. Section amended mm/dd/20nn, effective mm/dd/20nn.}*

- a. **Applicability.** This Section applies to the owner or operator of a gasoline dispensing facilities facility equipped with a Stage II vapor recovery system with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(c)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- ~~b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling, and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~c. **Compliance Schedule.**~~
- ~~1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
  - ~~2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.~~
  - ~~3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.~~
- ~~d. **Definition.** For the purposes of this Section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.~~

- b. 25 Pa. Code §129.82a, “Requirements to decommission a Stage II vapor recovery system,” is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.82a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

For the purposes of this subsection, references in 25 Pa. Code §129.82a to:

1. “Department” shall mean Department as defined under this Article;
2. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;
3. 25 Pa. Code §129.82, shall mean Article XXI, §2105.14;
4. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and
5. “Plan approval” shall mean Installation Permit.

**Ce. General Requirements. The owner or operator** ~~Owners or operators, or both, of a gasoline dispensing facilities~~ **facility** subject to this Section shall **meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under 25 Pa. Code §129.82a, (relating to requirements to decommission a Stage II vapor recovery system):**

**1.** ~~Install necessary Stage II vapor collection and control systems, provide~~ **Maintain a Department approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 95% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.**

**2.** **Provide** necessary maintenance and make modifications necessary to comply with ~~the requirements~~ **this section.**

**3.** ~~2.~~ Provide adequate training and written instructions to the operator of the ~~affected~~ gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.

**4.** ~~3.~~ Immediately remove from service and tag ~~any~~ **a** defective **vapor recovery hose, nozzle or other component of the dispensing Stage II vapor recovery** system until the defective component is replaced or repaired.

**A.** A component removed from service may not be returned to service until the defect is corrected.

**B.** If the Department finds **during an inspection** that a defective **vapor recovery hose, nozzle or other component of the dispensing Stage II vapor recovery** system is not properly tagged ~~during an inspection~~, the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.

**5.** ~~4.~~ Conspicuously post **the** operating instructions for the **gasoline dispensing** system in the gasoline dispensing area which, at a minimum, include:

A. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.

B. A warning that continued attempts to dispense gasoline after the system indicates that the **motor** vehicle fuel tank is full may result in spillage **and**

contamination of the air or water or recirculation of the gasoline into the vapor ~~collection~~ recovery system.

- C. A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

**65.** Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:~~

- A. ~~For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back pressure test once every 5 years, and a blockage test once every 5 years; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance recovery system shall conduct the following test procedures:**
- i. **A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
  - ii. **A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- B. ~~For vacuum assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.**

- C. The owner or operator of a gasoline dispensing facility that conducts a test procedure under subparagraph A or B shall do all of the following:**
- i. Conduct the test procedures in subparagraph A simultaneously, consecutively or separately at different times of the 5-year period.**
  - ii. Conduct the test procedure in subparagraph B simultaneously with, consecutively with or separately from the test procedures in 25 Pa. Code §129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.**
  - iii. Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.**
  - iv. Record all of the following information, as applicable, for each test procedure performed under subparagraph A or B:**
    - (a) The name of the test procedure.**
    - (b) The name of the person performing the test procedure.**
    - (c) The date the test procedure was performed.**
    - (d) The result of the test procedure.**
    - (e) The date, time, type and duration of a test procedure failure.**
    - (f) The name of the person correcting the test procedure failure.**
    - (g) The date the test procedure failure was corrected.**
    - (h) The action taken to correct the test procedure failure.**

C. For all other systems, tests and a testing schedule as approved by the Department.

**76.** Maintain written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of **the gasoline dispensing** system test **procedure** results, monthly throughput, type and duration of any ~~failures~~ **failure** of the system, maintenance and repair activities, training, and compliance records. The records shall be kept for ~~at least~~ two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date, **unless a longer period is required under Parts B and C (relating to construction, modification, reactivation and operation of sources) or an installation permit, operating permit, consent decree or order issued by the Department.**

f. ~~**Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.~~

**...d. Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a and § 129.82a.**

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*End of Regulation Changes*

## **2. Technical Support Document - General**

This regulation revision will begin the process of decommissioning Stage II requirements for gasoline dispensing facilities in Allegheny County.

Section 202(a)(6) of the Clean Air Act (CAA) allows the EPA to revise or waive CAA §182(b)(3) Stage II requirements in moderate or above ozone nonattainment areas after EPA determines that Onboard Refueling Vapor Recovery (ORVR) is in widespread use.

EPA has now waived the CAA Stage II requirements for moderate and worse nonattainment areas. These waivers enable states to repeal Stage II programs.

ORVR systems act like a Stage II system on a vehicle. They capture vapors in a canister to be combusted later. However, the ORVR systems can be incompatible with Stage II systems. The vacuum-assisted Stage II systems pull air from the ORVR vehicles and return the air to the storage tank. The air returned to the storage tank pulls vapor out of the liquid fuel in the tank, which, under certain conditions, is vented to the atmosphere. Over 90% of Stage II systems in Pennsylvania use vacuum assist nozzles (the other system is called a vapor balance Stage II system).

The Pennsylvania Department of Environmental Protection (DEP) has performed the analysis regarding removal of Stage II systems in the state. According to DEP's analysis, using an EPA provided tool, ORVR is in widespread use and there is no concern that removing the Stage II systems from operation in the state will result in backsliding. DEP's analysis indicated that Stage II actually started increasing emissions in Pittsburgh in 2021. The DEP will prepare and submit to the EPA, a Non-Interference Demonstration or NID to satisfy the requirements of Clean Air Act Section 110(l) for both all counties in Pennsylvania where the Stage II requirements applied. The U.S. EPA has directed that this single NID will be sufficient, and that the air agency in Allegheny County does not need to develop its own NID. Therefore, ACHD is not submitting an NID as part of this SIP submittal.

DEP has promulgated regulations to require the removal of Stage II controls in Pennsylvania at 25 Pa. Code §129.82a, "Requirements to decommission a Stage II vapor recovery system." DEP has also promulgated changes to 25 Pa. Code §129.61, "Small gasoline storage tank control (Stage I control), and §129.82, "Control of VOCs from gasoline dispensing facilities (Stage II)." In addition, DEP also found during their analysis that some Stage II elements – annual leak decay inspections, annual pressure vacuum vent valve tests and others - are beneficial to hold fugitive emissions in check. As a result, PA DEP has added new requirements to prevent leaks at 25 Pa. Code §129.61a, "Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control."

With this regulation revision, ACHD is promulgating regulations to be included in Article XXI that are similar to those promulgated for 25 Pa. Code.

Article XXI, §2105.13.e is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.61, and will incorporate by reference the newly proposed 25 Pa. Code §129.61a.

Article XXI, §2105.14 is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.82, and will incorporate by reference the newly proposed 25 Pa. Code §129.82a.

The revisions to §2105.13 and §2105.14, will enable the Air Program to enforce the new Pennsylvania gasoline dispensing facility regulations within Allegheny County and will allow for statewide consistency.

[Note: There was no need to make any changes to Article XXI, §2101.20, “Definitions,” since none of the proposed DEP changes to 25 Pa. Code §121.1, “Definitions,” involved the definitions of words already included in Article XXI, §2101.20, and because the related definitions were incorporated by reference by Article XXI, §2105.13 and §2105.14.]

These changes are being submitted as SIP changes.

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Note: The next two portions of the Technical Support Document, designated as 2.A. and 2.B., are being provided for information only.

“2.A.” illustrates the changes made to existing 25 Pa. Code Sections 129.61 and 129.82 and how they are being incorporated into existing Article XXI Sections 2105.13 and 2105.14, respectively.

“2.B.” is provides chiefly to illustrate the new Sections 129.61a and 129.82a that were added to 25 Pa. Code under 52 Pa.B. 1875, March 26, 2022, and which are being incorporated by reference into Article XXI by this regulation revision/SIP submittal.

**2.A. Technical Support Document –  
Comparison of Article XXI changes to  
25 Pa. Code  
Section 129.61 and Section 129.82 changes**

## Art. XXI / Pa Code Comparison

### Art. XXI, § 2105.13 Gasoline Loading Facilities

Art. XXI

- e. **Small Gasoline Storage Tanks.** No person shall load, or allow to be loaded, gasoline from any vehicular tank into any stationary storage tank having a capacity of 250 gallons or more if installed on or after January 1, 1979, or 2,000 gallons or more if installed before January 1, 1979, which is located in any gasoline handling facility unless there is in operation on such storage tank a vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section and unless the stationary tank is equipped with a submerged fill pipe extending to within six inches of the bottom of the tank throughout the loading operation.

The dispensing delivery tank shall remain vapor tight at all times except after all vapors have been disposed of in accord with the provisions of this Section.

Stationary storage tanks with a capacity less than 550 gallons that are used for agricultural purposes and that are equipped with a submerged fill pipe shall be exempted from the provisions of this Subsection.

1. An owner or operator of a gasoline storage tank subject to this subsection may also be subject to 25 Pa. Code §129.61a, "Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control," which is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.61a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
2. For the purposes of this subsection, references in 25 Pa. Code §129.61a to:
  - A. "Department" shall mean Department as defined under this Article, except at 25 Pa. Code §129.61a(k)(2) relating to PA DEP publishing notice in the Pennsylvania Bulletin of a CARB Executive Order of Certification of a second manufacturer for an enhanced conventional nozzle;
  - B. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;
  - C. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and
  - D. "Plan approval" shall mean Installation Permit.

25 Pa Code Ch. 129

#### § 129.61. Small gasoline storage tank control (Stage I control).

(a) Applicability. This section applies Statewide to ~~stationary~~ the owner and operator of a gasoline storage ~~tanks~~ tank with a capacity of greater than 2,000 gallons.

(b) Transfer requirements. A person may not transfer gasoline from a ~~delivery vessel~~ gasoline tank truck into a ~~stationary~~ gasoline storage tank gasoline dispensing facility unless the displaced vapors from the storage tank are transferred to the dispensing ~~delivery~~ tank of the gasoline tank truck through a vapor ~~right~~ tight return line and unless the ~~receiving~~ gasoline dispensing facility storage tank is equipped with a submerged fill pipe which extends from the filling orifice to within 6 inches of the bottom of the storage tank. ~~The vapors collected in the dispensing tank shall be disposed of in accordance with § 129.59 or § 129.60(e) (relating to bulk gasoline terminals; and bulk gasoline plants);~~

(c) Gasoline tank truck dispensing tank requirements. The dispensing ~~delivery~~ tank of a gasoline tank truck shall must remain vapor tight at all times. ~~The delivery , except that the dispensing~~ tank may be opened after the vapors are disposed of ~~in~~ accordance with under § 129.59 or § 129.60(c).

(d) Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).

Notes

Article XXI, Section 2105.13.e and the first sentence of e.1 address the requirements of §129.61(a), (b), (c) and (d).

There is, of course no 25 Pa. Code language incorporating anything by reference. So, there is no Code Section equivalent to Section 2105.13.e.1 and e.2 of Article XXI. However, it's obvious, that new proposed § 129.61a, "Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control," is integral to the rulemaking for ACHD as it contains what is being incorporated by reference into Article XXI.

See the PA DEP Annex for the text of § 129.61a.

## Art. XXI / Pa Code Comparison

### Art. XXI, § 2105.14 Gasoline Dispensing Facilities – Stage II Control

Art. XXI

- a. **Applicability.** This Section applies to the owner or operator of a gasoline dispensing facilities facility equipped with a Stage II vapor recovery system with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(e)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- ~~b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling, and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~c. **Compliance Schedule.**~~
- ~~1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
  - ~~2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.~~
  - ~~3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.~~
- ~~d. **Definition.** For the purposes of this Section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.~~

### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

- ~~(a) **(Reserved).** [After the date specified in paragraph (1), (2) or (3), an owner or operator of a gasoline dispensing facility subject to this section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 90% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~(1) This paragraph applies to gasoline dispensing facilities located in areas classified as moderate, serious or severe ozone nonattainment areas under section 181 of the Clean Air Act (42 U.S.C.A. § 7511) including the counties of Berks, Bucks, Chester, Delaware, Montgomery, Philadelphia with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section shall not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).~~
- ~~— (i) Facilities for which construction was commenced after November 15, 1990, shall achieve compliance by May 15, 1993.~~
- ~~— (ii) Facilities which dispense greater than 100,000 gallons (378,500 liters) of gasoline per month, based on average monthly sales for the 2 year period immediately preceding November 15, 1992, shall achieve compliance by November 15, 1993.~~
- ~~— (iii) Other affected facilities shall achieve compliance by November 15, 1994.~~
- ~~(2) Gasoline dispensing facilities with annual throughputs greater than 10,000 gallons (37,850 liters) in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall be subject to this section immediately upon the addition or replacement of one or more underground gasoline storage tanks for which construction was commenced after November 15, 1992.~~
- ~~(3) This paragraph applies to gasoline dispensing facilities located in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section does not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).~~
- ~~(i) Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
- ~~(ii) Facilities which dispense greater than or equal to 120,000 gallons (454,200 liters) of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall achieve compliance by July 1, 1999.~~
- ~~(iii) Facilities which dispense greater than 90,000 gallons (340,650 liters) per month but less than 120,000 gallons (454,200 liters) per month based on average monthly sales during calendar years 1995 and 1996 shall achieve compliance by December 31, 2000.~~
- ~~(4) For purposes of this section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.]~~

**(a.1) Applicability.** This section applies to the owner and operator of a gasoline dispensing facility equipped with a Stage II vapor recovery system and located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County.

25 Pa Code Ch. 129

## Art. XXI / Pa Code Comparison

### Art. XXI, § 2105.14 Gasoline Dispensing Facilities – Stage II Control

Art. XXI

**b. 25 Pa. Code §129.82a, “Requirements to decommission a Stage II vapor recovery system,” is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.82a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**

**For the purposes of this subsection, references in 25 Pa. Code §129.82a to:**

- 1. “Department” shall mean Department as defined under this Article;**
- 2. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;**
- 3. 25 Pa. Code §129.82, shall mean Article XXI, §2105.14;**
- 4. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and**
- 5. “Plan approval” shall mean Installation Permit.**

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**No corresponding Pa. Code language. See Notes.**

Notes

There is, of course no 25 Pa. Code language incorporating anything by reference. So, there is no 25 Pa. Code Section equivalent to Section 2105.14.b of Article XXI. However, it’s obvious, that new proposed § 129.82a, “Requirements to decommission a Stage II vapor recovery system,” is integral to the rulemaking for ACHD as it contains what is being incorporated by reference into Article XXI.

**See the PA DEP Annex for the text of § 129.82a.**

## Art. XXI / Pa Code Comparison

### Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

ce. **General Requirements.** The owner or operator ~~Owners or operators~~, or both, of a gasoline dispensing facilities facility subject to this Section shall meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under 25 Pa. Code §129.82a, (relating to requirements to decommission a Stage II vapor recovery system):

1. ~~Install necessary Stage II vapor collection and control systems, provide~~ Maintain a Department approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 95% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.
2. Provide necessary maintenance and make modifications necessary to comply with ~~the requirements~~ this section.
3. Provide adequate training and written instructions to the operator of the ~~affected~~ gasoline dispensing facility to assure proper operation of the Stage II vapor recovery system.
4. Immediately remove from service and tag ~~any~~ a defective vapor recovery hose, nozzle or other component of the dispensing Stage II vapor recovery system until the defective component is replaced or repaired.
  - A. A component removed from service may not be returned to service until the defect is corrected.
  - B. If the Department finds during an inspection that a defective vapor recovery hose, nozzle or other component of the dispensing Stage II vapor recovery system is not properly tagged ~~during an inspection~~, the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.

### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

.....  
(b) Operating requirements. ~~[Owners or operators]~~ The owner or operator, or both, of a gasoline dispensing ~~[facilities]~~ facility subject to this section shall meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system):

- (1) ~~[Install necessary Stage II vapor collection and control systems, provide]~~ Maintain a Department-approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 90% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.
  - (1.1) Provide necessary maintenance and make modifications necessary to comply with ~~[the requirements]~~ this section.
- (2) Provide adequate training and written instructions to the operator of the ~~[affected]~~ gasoline dispensing facility to assure proper operation of the Stage II vapor recovery system.
- (3) Immediately remove from service and tag ~~[any]~~ a defective vapor recovery hose, nozzle or [dispensing] other component of the Stage II vapor recovery system until the defective component is replaced or repaired.
  - (i) A component removed from service may not be returned to service until the defect is corrected.
  - (ii) If the Department finds during an inspection that a defective vapor recovery hose, nozzle or [dispensing] other component of the Stage II vapor recovery system is not properly tagged ~~[during an inspection]~~, the component may not be returned to service until the defect is corrected ~~it~~ and the Department approves its return to service.

## Art. XXI / Pa Code Comparison

### Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

#### c e. General Requirements. ....

.....

- 5** 4. Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area which, at a minimum, include:
- A. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.
  - B. A warning that continued attempts to dispense gasoline after the system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor ~~collection~~ recovery system.
  - C. A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

#### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

.....

#### (b) *Operating requirements...(continued)*

.....

- (4) Conspicuously [~~post-operating~~] post the operating instructions for the gasoline dispensing system in the gasoline dispensing area which, at a minimum, include:
- (i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles [~~utilized~~] used at the site.
  - (ii) A warning that continued attempts to dispense gasoline after the system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor [~~collection~~] recovery system.
  - (iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

**Art. XXI / Pa Code Comparison**  
**Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control**

**c.e. General Requirements. ....**

- 6 §.** Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:-~~
- A. ~~For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back pressure test once every 5 years, and a blockage test once every 5 years; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance recovery system shall conduct the following test procedures:**
- iii. **A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- iv. **A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- B. ~~For vacuum assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.**

**§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)**

**(c) (Reserved). (d) (Reserved).**

**(e) Functional testing and certification requirements.** The ~~[owners or operators]~~ **owner and operator** of ~~a~~ gasoline dispensing ~~[facilities]~~ **facility subject to this section** shall comply with the functional testing and certification requirements specified in ~~the~~ EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~[ to meet the Clean Air Act requirements]~~.

- (1) The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance vapor recovery system shall conduct the following test procedures:**

**(i) A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**

**(ii) A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**

- (2) The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.**

## Art. XXI / Pa Code Comparison

### Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

c e. General Requirements. ....

6 §.

C. The owner or operator of a gasoline dispensing facility that conducts a test procedure under subparagraph A or B shall do all of the following:

- v. Conduct the test procedures in subparagraph A simultaneously, consecutively or separately at different times of the 5-year period.
- vi. Conduct the test procedure in subparagraph B simultaneously with, consecutively with or separately from the test procedures in 25 Pa. Code §129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.
- vii. Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.
- viii. Record all of the following information, as applicable, for each test procedure performed under subparagraph A or B:
  - (a) The name of the test procedure.
  - (b) The name of the person performing the test procedure.
  - (c) The date the test procedure was performed.
  - (d) The result of the test procedure.
  - (e) The date, time, type and duration of a test procedure failure.
  - (f) The name of the person correcting the test procedure failure.
  - (g) The date the test procedure failure was corrected.
  - (h) The action taken to correct the test procedure failure.

C. For all other systems, tests and a testing schedule as approved by the Department.

### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

.....  
(c) ~~(e)~~ Functional testing and certification requirements. ...(continued)

.....  
(3) The owner or operator of a gasoline dispensing facility that conducts a test procedure under paragraph (1) or (2) shall do all of the following:

- (i) Conduct the test procedures in paragraph (1) simultaneously, consecutively or separately at different times of the 5-year period.
- (ii) Conduct the test procedure in paragraph (2) simultaneously with, consecutively with or separately from the test procedures in § 129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.
- (iii) Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.
- (iv) Record all of the following information, as applicable, for each test procedure performed under paragraph (1) or (2):
  - (A) The name of the test procedure.
  - (B) The name of the person performing the test procedure.
  - (C) The date the test procedure was performed.
  - (D) The result of the test procedure.
  - (E) The date, time, type and duration of a test procedure failure.
  - (F) The name of the person correcting the test procedure failure.
  - (G) The date the test procedure failure was corrected.
  - (H) The action taken to correct the test procedure failure.

## Art. XXI / Pa Code Comparison

### Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

#### c.e. General Requirements. ....

- .....
- 7 €. Maintain written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of **the gasoline dispensing** system test **procedure** results, monthly throughput, type and duration of any ~~failures~~ **failure** of the system, maintenance and repair activities, training, and compliance records. The records shall be kept for ~~at least~~ two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date, **unless a longer period is required under Parts B and C (relating to construction, modification, reactivation and operation of sources) or an installation permit, operating permit, consent decree or order issued by the Department.**

#### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

##### (b) Operating requirements. ...

- .....
- (5) Maintain records of **the gasoline dispensing** system test **procedure** results, monthly throughput, type and duration of any ~~[failures]~~ **failure** of the system and maintenance and repair records ~~[on the premises of the affected]~~ **onsite at the** gasoline dispensing facility. The records ~~[shall]~~ **must** be ~~[kept]~~:
- (i) Maintained** for ~~[at least]~~ 2 years, ~~[and shall be made]~~ **unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.**
- (ii) Made** available for inspection, upon request, by the Department.

## Art. XXI / Pa Code Comparison

### Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

Art. XXI

~~f. **Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.~~

...d. **Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a and § 129.82a.**

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#### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

.....

(d) ~~If an onboard canister refueling emissions control program has been fully implemented by the EPA by December 31, 2010, the operation and maintenance of Department approved Stage II systems will no longer be required in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland~~ **Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a and § 129.82a..**

Notes

## **2.B. Technical Support Document –**

25 Pa. Code §129.61a and §129.82a  
from Annex to final-form rulemaking published in 52 Pa.B. 1875, March 26, 2022

Provided in this SIP submittal for information and reference only.

**L. Order of the Board**

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by adding §§ 129.61a and 129.82a and amending §§ 121.1, 129.61 and 129.82 to read as set forth in this final-form rule-making.

(b) The Chairperson of the Board shall submit this final-form rulemaking to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this final-form rulemaking to IRRC and the House and Senate Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(d) The Chairperson of the Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking will be submitted to the EPA as a revision to the Commonwealth's SIP.

(f) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
Chairperson

(Editor's Note: See 52 Pa.B. 1079 (February 12, 2022) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 7-525 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**CARB Executive Order**—A document issued by CARB certifying one of the following, unless otherwise specified:

(i) That a specified engine family or model year vehicle has met applicable Title 13 CCR requirements for certification and sale in California.

(ii) That a specified Phase I vapor recovery system or component of a Phase I vapor recovery system meets applicable requirements for certification and sale in California.

(iii) That a specified type of non-vapor recovery equipment, such as a low permeation hose, is certified for use at a gasoline dispensing facility that does not have a Stage II vapor recovery system.

\* \* \* \* \*

**Dealer**—A person who is engaged in the sale or distribution of new motor vehicles or new motor vehicles to the

ultimate purchaser as defined in section 216(4) of the Clean Air Act (42 U.S.C.A. § 7550(4)).

**Decommission**—To permanently disconnect a Stage II vapor recovery system that is in active service by following procedures under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system).

**Decorative interior panel**—Interior wall paneling that is usually grooved, frequently embossed and sometimes grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, MDF or particle-board.

\* \* \* \* \*

**Gasoline dispensing facility**—A stationary facility with an underground storage tank from which gasoline is transferred to motor vehicle fuel tanks.

\* \* \* \* \*

**Monongahela Valley air basin**—The following political subdivisions in Fayette County: Belle Vernon Borough, Brownsville Borough, Brownsville Township, Fayette City Borough, Jefferson Township, Newell Borough and Washington Township; the following political subdivisions in Washington County: Allenport Borough, California Borough, Carroll Township, Charleroi Borough, Coal Center Borough, Donora Borough, Dunlevy Borough, Elco Borough, Fallowfield Township, Finleyville Borough, Long Branch Borough, Monongahela City, New Eagle Borough, North Charleroi Borough, Roscoe Borough, Speers Borough, Stockdale Borough, Twilight Borough, Union Township and West Brownsville Borough; and the following political subdivisions in Westmoreland County: Monessen City, North Belle Vernon Borough, Rostraver Township and West Newton Borough.

**Monthly throughput**—The total volume of gasoline loaded into, or dispensed from, gasoline storage tanks located at a gasoline dispensing facility. The term is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during a single day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during the previous 364 days, and then dividing that sum by 12.

**Motor vehicle**—A self-propelled vehicle designed for transporting persons or property on a street or highway.

\* \* \* \* \*

**Petroleum refinery**—A facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products, through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

**Phase I vapor recovery system**—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Stage I vapor recovery system.

**Phase 2 outdoor wood-fired boiler**—An outdoor wood-fired boiler that has been certified or qualified by the EPA

as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

*Phase II vapor recovery system—*

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline storage tank at a gasoline dispensing facility to a motor vehicle fuel tank by returning the vapors to the storage tank.

(ii) The term includes a Stage II vapor recovery system.

*Pittsburgh-Beaver Valley Area—*The seven-county area comprised of the following Pennsylvania counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

\* \* \* \* \*

*Pressed glass—*Glassware formed by placing a blob of molten glass in a metal mold, then pressing it with a metal plunger or "follower" to form the inside shape. The resultant piece, termed "mold-pressed," has an interior form independent of the exterior, in contrast to mold-blown glass, whose interior corresponds to the outer form.

*Pressure/vacuum vent valve—*A relief valve installed on the vent stack of a gasoline storage tank system that is designed to open within a specific pressure range to protect the storage tank system from excessive pressure or vacuum.

*Pretreatment coating—*An organic coating that contains at least 0.5% acids by weight and is applied directly to metal surfaces of aerospace vehicles and components to provide surface etching, corrosion resistance, adhesion and ease of stripping.

\* \* \* \* \*

*Spray gun—*A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

*Stage I enhanced vapor recovery system—*A Phase I vapor recovery system for which a CARB Executive Order has been issued certifying that it meets the enhanced vapor recovery system standards specified in the CARB CP-201, "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities."

*Stage I vapor recovery system—*

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Phase I vapor recovery system and a Stage I enhanced vapor recovery system.

*Stage II vacuum assist vapor recovery system—*A Stage II vapor recovery system that creates a vacuum to assist the movement of vapors back into the gasoline storage tank for storage or processing.

*Stage II vapor balance vapor recovery system—*A Stage II vapor recovery system that uses direct displacement to collect or process vapors at a gasoline dispensing facility.

*Stage II vapor recovery system—*

(i) Equipment and components that control vapors during the transfer of gasoline from a gasoline storage tank

at a gasoline dispensing facility to a motor vehicle fuel tank and during the storage of gasoline at a gasoline dispensing facility.

(ii) The term includes a Phase II vapor recovery system, a Stage II vacuum assist vapor recovery system and a Stage II vapor balance vapor recovery system.

*Stain—*For purposes of wood furniture manufacturing operations under §§ 129.101–129.107, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains and toners.

\* \* \* \* \*

*Stockpiling—*The act of placing, storing and removing materials on piles exposed to the outdoor atmosphere. Placing refers to the deposition of material onto the pile. Removing refers to disturbing the pile either for loading of material into or onto vehicles for transportation purposes or for material handling. Material that is not to be utilized in the production of a product or is not itself a useful product is excluded from the definition of stockpile material. Operations which consist entirely of transferring material between different transportation conveyances are also excluded from this definition.

*Storage tank system—*The term has the meaning as defined in § 245.1 (relating to definitions).

*Strippable spray booth coating—*A coating that meets the following requirements:

(i) Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process including wood furniture manufacturing operations.

(ii) Is subsequently peeled off and disposed.

(iii) Reduces or eliminates the need to use solvents to clean spray booth walls by meeting the conditions of subparagraphs (i) and (ii).

\* \* \* \* \*

*Type II chemical milling maskant—*A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant.

*UMI—*The term has the meaning as defined under the term "certification categories" in § 245.1 (relating to definitions).

*UMX—*The term has the meaning as defined under the term "certification categories" in § 245.1 (relating to definitions).

*Ullage—*The empty volume of a gasoline storage tank system that contains liquid gasoline, expressed as accumulated gallons of empty volume for all gasoline storage tanks in the manifold system.

*Ultimate consumer—*With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

\* \* \* \* \*

*Ultra low emission vehicle—*A vehicle certified as an ultra low emission vehicle under the Clean Air Act.

*Underground storage tank—*The term has the meaning as defined in § 245.1 (relating to definitions).

*Undersea-based weapons systems components*—The fabrication of parts, parts assembly or completed units of a portion of a missile launching system used on undersea ships.

\* \* \* \* \*

**CHAPTER 129. STANDARDS FOR SOURCES**  
**SOURCES OF VOCs**

**§ 129.61. Small gasoline storage tank control (Stage I control).**

(a) *Applicability.* This section applies Statewide to the owner and operator of a gasoline storage tank with a capacity of greater than 2,000 gallons.

(b) *Transfer requirements.* A person may not transfer gasoline from a gasoline tank truck into a gasoline storage tank at a gasoline dispensing facility unless the displaced vapors from the storage tank are transferred to the dispensing tank of the gasoline tank truck through a vapor tight return line and unless the gasoline dispensing facility storage tank is equipped with a submerged fill pipe which extends from the filling orifice to within 6 inches of the bottom of the storage tank.

(c) *Gasoline tank truck dispensing tank requirements.* The dispensing tank of a gasoline tank truck must remain vapor tight at all times, except that the dispensing tank may be opened after the vapors are disposed of under § 129.59 or § 129.60(c).

(d) *Additional requirements.* An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).

**§ 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control.**

(a) *Applicability.* Beginning March 26, 2022, this section applies to the owner and operator of a gasoline storage tank subject to § 129.61 (relating to small gasoline storage tank control (Stage I control)) if the gasoline storage tank is located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County and, if one of the following is met:

(1) Except as specified in paragraph (2), the gasoline dispensing facility has had a monthly throughput greater than 10,000 gallons (37,850 liters) of gasoline assessed on December 31 annually, beginning with the 2021 calendar year.

(2) The owner or operator of the gasoline dispensing facility is an independent small business marketer of gasoline as defined under section 324(c) of the Clean Air Act (42 U.S.C.A. § 7625(c)) and the gasoline dispensing facility has had a monthly throughput equal to or greater than 50,000 gallons (189,250 liters), assessed on December 31 annually beginning with the 2021 calendar year.

(3) The monthly throughput of the gasoline dispensing facility exceeds the applicable monthly throughput threshold of paragraph (1) or paragraph (2) at any time after March 26, 2022, but later falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2). The owner and operator of the gasoline dispensing facility remain subject to the applicable requirements of this section for the gasoline dispensing facility, even after the monthly throughput falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2).

(b) *CARB vapor recovery test procedures.* The following are the CARB vapor recovery test procedures specified in this section:

(1) CARB TP-201.1E—“Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves,” adopted October 8, 2003, including updates and revisions.

(2) CARB TP-201.3—“Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities,” adopted April 12, 1996, and amended March 17, 1999, and July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—“Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test),” adopted March 17, 1999, including updates and revisions.

(4) CARB TP-201.1B—“Static Torque of Rotatable Phase I Adaptors,” adopted July 3, 2002, and amended October 8, 2003, including updates and revisions.

(c) *Vapor leak rate monitoring procedures.* The owner or operator of a gasoline dispensing facility subject to this section shall monitor the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks in one of the following ways:

(1) Perform specified test procedures under subsection (d).

(2) Perform continuous monitoring under subsections (e), (h), (i) and (j).

(d) *Vapor leak rate monitoring using specified test procedures.* The owner or operator of a gasoline dispensing facility monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(1) shall do all of the following:

(1) Conduct each of the CARB TP-201.1E, CARB TP-201.3 and CARB TP-201.3C test procedures at least once in every 12-month period. Also, if the Stage I vapor recovery system is equipped with a rotatable adaptor, conduct a CARB TP-201.1B test procedure once in every 12-month period.

(i) These four test procedures may be conducted simultaneously, consecutively or separately at different times during the 12-month period.

(ii) Repair to a component on, or correction to, the Stage I vapor recovery system may not be made on the day of the CARB TP-201.3 or CARB TP-201.3C test procedure prior to completion of the test procedure.

(iii) Repair to a component on, or correction to, the Stage I vapor recovery system must be made within 10 days following a failed CARB TP-201.1E, CARB TP-201.3, CARB TP-201.1B or CARB TP-201.3C test procedure.

(iv) If a repair to a component on, or correction to, the Stage I vapor recovery system is made to pass the CARB TP-201.3 test procedure, then the CARB TP-201.3 test procedure must be conducted once in every 6-month period. The first test procedure conducted under this subparagraph must be conducted in the month that the repair to a component on, or correction to, the Stage I system is made under subparagraph (iii). The once-in-every-12-month period CARB TP-201.3 test procedure may resume when two consecutive once-in-every-6-month period CARB TP-201.3 test procedures do not reveal a failure requiring repair or correction.

(v) Perform CARB TP-201.1E, CARB TP-201.3, CARB TP-201.3C AND CARB TP-201.1B on or before March 26, 2023, and on an annual basis thereafter.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

- (i) The name of the test procedure.
- (ii) The name of the person performing the test procedure.
- (iii) The date the test procedure was performed.
- (iv) The result of the test procedure.
- (v) The date, time, type and duration of the vapor leak rate failure.
- (vi) The name of the person correcting the vapor leak rate failure.
- (vii) The date the vapor leak rate failure was corrected.
- (viii) The action taken to correct the vapor leak rate failure.

(e) *Continuous vapor leak rate monitoring.* The owner or operator of a gasoline dispensing facility that is continuously monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(2) shall design, install, operate and maintain both of the following:

(1) A Stage I enhanced vapor recovery system for which a CARB Executive Order is issued, is valid at the time of installation and remains valid during the operation of the Stage I enhanced vapor recovery system.

(2) A continuous pressure monitoring system as identified in Exhibit 1 Section II, Exhibit 2 Section II and Exhibit 3 Section II of CARB Executive Order VR-202-R, "Relating to Certification of Vapor Recovery Systems Assist Phase II Enhanced Vapor Recovery (EVR) System including In-Station Diagnostics (ISD)," dated December 8, 2014 including updates and revisions. The continuous pressure monitoring system must meet all of the following:

- (i) Include a console, a vapor pressure sensor, an automatic gasoline storage tank system pressure gauge and vapor leak rate detection software.
- (ii) Operate at least 95% of the time on a calendar-month basis.
- (iii) Calculate and record the percentage of continuous pressure monitoring system operational time.
- (iv) Measure once every 7 days the vapor leak rate from the gasoline storage tank system at any working ullage pressure, both positive and negative.
- (v) Measure the gasoline storage tank system pressure once every 7 days.
- (vi) Record once every 7 days, with not more than 7 days between recordings, the calculated percentage of time that the gasoline storage tank system pressure is at least 0.5 inches of water column below the positive cracking pressure of the pressure/vacuum vent valve.

(f) *Stage I vapor recovery system installation requirements.* The owner or operator of a gasoline dispensing facility subject to this section that installs a Stage I vapor recovery system shall do all of the following:

(1) Perform, and ensure that the Stage I vapor recovery system passes, all of the following CARB vapor leak rate monitoring test procedures within 10 days of installation of the Stage I vapor recovery system:

- (i) CARB TP-201.1B if the Stage I vapor recovery system is equipped with a rotatable adaptor.

- (ii) CARB TP-201.1E.

- (iii) CARB TP-201.3.

- (iv) CARB TP-201.3C.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

- (i) The completion date of installation of the Stage I vapor recovery system.
- (ii) The name of the test procedure.
- (iii) The name of the person performing the test procedure.
- (iv) The date the test procedure was performed.
- (v) The result of the test procedure.
- (vi) The date, type and duration of a vapor leak rate failure.

- (vii) The name of the person correcting the vapor leak rate failure.

- (viii) The date the vapor leak rate failure was corrected.

- (ix) The action taken to correct the vapor leak rate failure.

(3) Maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the CARB Executive Order specified in subsection (e)(1).

(4) Install and maintain a pressure/vacuum vent valve on each atmospheric vent of the underground storage tank.

(g) *Monitoring the condition of the Stage I vapor recovery system components and other gasoline dispensing components.* The owner or operator of a gasoline dispensing facility with a Stage I vapor recovery system shall monitor the condition of the Stage I vapor recovery system components and other gasoline dispensing components in accordance with all of the following, as applicable:

(1) Perform an inspection after each gasoline tank truck delivery to check all of the following:

- (i) That each fill pipe adaptor and Stage I adaptor is tightly sealed.
- (ii) That each Stage I dry break is tightly sealed.
- (iii) That each automatic tank gauge cap is tightly sealed.

(2) Perform an inspection one time per month to check all of the following:

- (i) That each automatic tank gauging electrical grommet and vent extractor cap is in good working order.
- (ii) That the riser and pressure/vacuum vent valve and cap are installed and not damaged above ground level.
- (iii) That there are no tears or holes in gasoline hoses.
- (iv) That gasoline nozzles are functioning according to their design.
- (v) That gasoline hoses are not touching the ground when the nozzle is resting on its holding bracket.
- (vi) That each gasoline nozzle fits in its holding bracket.

- (vii) If a Stage II vapor balance vapor recovery system is installed, that a face plate can make a positive seal.

(viii) If a Stage II vapor balance vapor recovery system is installed, that the bellows are free of tears and holes.

(3) Make the needed correction to the Stage I system under paragraph (1) or make the needed repair to a failed component under paragraphs (1) and (2) as soon as possible before the next scheduled monthly inspection.

(4) Record all of the following information, as applicable, for each monitoring inspection conducted under paragraphs (1) and (2) and for each correction to the Stage I system or repair to a failed component made under paragraph (3):

- (i) The name of the person performing the inspection.
- (ii) The component inspected under paragraphs (1) and (2).
- (iii) The date the inspection was performed.
- (iv) The result of each inspection of the components under paragraphs (1) and (2).
- (v) The name of the person making the correction to the Stage I system or the repair to a failed component.
- (vi) The date the correction was made to the Stage I system or the repair was made to the failed component.
- (vii) The action taken to correct the Stage I system or to repair the failed component.

(h) *Vapor leak rate of the gasoline storage tank system.* The owner or operator of a gasoline dispensing facility that is monitoring the vapor leak rate of the gasoline storage tank system with a continuous pressure monitoring system under subsection (c)(2) shall do all of the following:

(1) Maintain the gasoline storage tank system at a vapor leak rate less than two times the allowed vapor leak rate.

(i) The allowed vapor leak rate must be determined under CARB TP-201.3.

(ii) Equation 9-2 with  $N=1-6$  from CARB TP-201.3 must be used to determine the allowed vapor leak rate.

(2) Generate a report in electronic format once per day for the previous calendar day. The report must record the following:

- (i) Continuous pressure monitoring system operational time as a percentage.
- (ii) Percentage of time the tank system pressure is above atmospheric pressure.
- (iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(3) Generate a report in electronic format by the 15th of the month for the previous calendar month which records the following:

- (i) Continuous pressure monitoring system operational time as a percentage.
- (ii) Percentage of time the tank system pressure is above atmospheric pressure.
- (iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.
- (iv) Warnings generated when the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subparagraph (1), including the date and time of each warning.

(4) Store the electronic records of the reports generated in paragraphs (2) and (3) in a manner to maintain the records despite loss of power to the continuous pressure monitoring system.

(5) Follow the applicable procedures of subsections (i) and (j) if the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under paragraph (1).

(6) Perform, and ensure that the continuous pressure monitoring system passes, the continuous pressure monitoring system operability test as specified in Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order VR-202-R, one time every 3 years after the date the continuous pressure monitoring system is installed.

(7) Record all of the following information for the continuous pressure monitoring system operability test specified in paragraph (6):

- (i) The name of the person performing the test.
- (ii) The date the test was performed.
- (iii) The result of the test.

(8) If the continuous pressure monitoring system fails the operability test required under paragraph (6), the owner or operator shall repair and retest the continuous pressure monitoring system under paragraph (6) within 10 days.

(9) If the continuous pressure monitoring system fails the operability test required under paragraph (6), record all of the following information:

- (i) The name of the person recording the operability test failure.
- (ii) The date and time the continuous pressure monitoring system failed the operability test.
- (iii) The type and duration of the operability test failure.
- (iv) The name of the person correcting the operability test failure.
- (v) The date the repair was made to correct the operability test failure.
- (vi) The action taken to correct the operability test failure.

(10) Maintain the records required under paragraphs (7) and (9), as applicable, onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination for 6 years.

(i) *First exceedance of the allowed vapor leak rate.* If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subsection (h)(1), then all of the following must occur:

- (1) The continuous pressure monitoring system must activate a warning alarm and record the event.
- (2) The owner or operator shall do all of the following:
  - (i) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm. If this correction does not require a repair or correction to the gasoline storage tank system, the person correcting the cause of the failure need not meet the certification requirements under subsection (q).
  - (ii) Reset the continuous pressure monitoring system when the correction under subparagraph (i) is made.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(iv) Record the date, time, duration and reason for a warning alarm that did not indicate a vapor leak rate failure.

(j) *Second exceedance of the allowed vapor leak rate.* Following the action taken to correct the cause of the failure under subsection (i)(2)(i), the continuous pressure monitoring system must recommence monitoring the gasoline storage tank system. If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate within 7 calendar days following the correction made under subsection (i)(2)(i), then all of the following must occur:

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator of the gasoline dispensing facility shall do all of the following:

(i) Reset the continuous pressure monitoring system as soon as the vapor leak rate failure is corrected.

(ii) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm.

(A) The person correcting a failure to the gasoline storage tank system must meet the certification requirements under subsection (q).

(B) The person correcting a failure to the continuous pressure monitoring system must meet the certification requirements under subsection (q) or must be authorized to make repairs by the continuous pressure monitor manufacturer.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(k) *Low permeation hoses and enhanced conventional nozzles.* An owner or operator of a gasoline dispensing facility that is subject to this section and does not have a Stage II vapor recovery system shall do all of the following:

(1) Install and maintain low permeation hoses on each gasoline dispenser at the gasoline dispensing facility as follows:

(i) For a gasoline dispensing facility in operation on or before March 26, 2022, install low permeation hoses by March 26, 2024, on each gasoline dispenser that is located at the gasoline dispensing facility as of March 26, 2022.

(ii) For a gasoline dispenser installed after March 26, 2022, install low permeation hoses described in subparagraph (iv) upon installation of the gasoline dispenser.

(iii) For a gasoline dispensing facility that begins operation after March 26, 2022, install low permeation hoses described in subparagraph (iv) upon installation of each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install low permeation hoses that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(2) Install and maintain enhanced conventional nozzles on each gasoline dispenser as follows:

(i) The owner or operator shall replace each conventional nozzle with an enhanced conventional nozzle within 2 years after the Department publishes notice in the *Pennsylvania Bulletin* of the CARB Executive Officer having issued an Executive Order of Certification to a second manufacturer for an enhanced conventional nozzle.

(ii) For a gasoline dispenser installed at the gasoline dispensing facility after the Department publishes the *Pennsylvania Bulletin* notice referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles.

(iii) For a gasoline dispensing facility that begins operating after the Department publishes the notice in the *Pennsylvania Bulletin* referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles on each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install enhanced conventional nozzles that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(l) *Additional requirements for gasoline dispensing facilities.* The owner or operator of a gasoline dispensing facility subject to this section shall do all of the following:

(1) Provide necessary maintenance and make modifications to the vapor control system of the gasoline dispensing facility necessary to comply with the applicable requirements of this section.

(2) Provide adequate training and written instructions to the operator of the gasoline dispensing facility to ensure proper operation of the vapor control system.

(3) Maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a

copy of the training schedule and written instructions required under paragraph (2).

(4) Immediately remove from service and tag a defective nozzle or other component of the gasoline dispensing system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds during an inspection that a defective nozzle or other component of the gasoline dispensing system is not properly tagged, the component may not be returned to service until the defect is corrected and the Department approves its return to service.

(5) Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area. The operating instructions must include, at a minimum, all of the following information:

(i) A clear description of how to correctly dispense gasoline with the nozzles used at the site.

(ii) A warning that continued attempts to dispense gasoline after the gasoline dispensing system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.

(iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

(m) *Recordkeeping and reporting requirements.* The owner or operator of a gasoline dispensing facility subject to this section that creates a record under subsection (d)(2), (f)(2), (g)(4), (h)(4), (h)(10), (i)(2)(iii) or (j)(2)(iii) shall do both of the following:

(1) Maintain the required records onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination for 2 years, unless specified otherwise in this section or unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(2) Submit the records to the Department in an acceptable format upon receipt of a request from the Department.

(n) *Record certifying the Stage I enhanced vapor recovery system.* An owner or operator proceeding under subsection (c)(2) shall maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the valid CARB Executive Order required under subsection (e)(1) for the duration of the operation of the Stage I enhanced vapor recovery system. The copy must be made available to the Department upon receipt of a request.

(o) *Record certifying the low permeation hoses and enhanced conventional nozzles.* The owner or operator shall maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the CARB Executive Order required under subsection (k)(1) and (2) for the duration of the use of the low permeation hoses and enhanced conventional nozzles, respectively. The copy must be made available to the Department upon receipt of a request.

(p) *Record of training schedule and written instructions.* The owner or operator shall maintain onsite at the

gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the training schedule and written instructions required under subsection (l)(2) for the duration of the operation of the vapor control system. The copy must be made available to the Department upon receipt of a request.

(q) *Certification requirements for a person who performs underground storage tank system installation or modification work.*

(1) The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(i) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(ii) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(2) A person only performing a test specified under subsection (b) is not required to be certified under this subsection.

## MOBILE SOURCES

### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

(a) (Reserved).

(a.1) *Applicability.* This section applies to the owner and operator of a gasoline dispensing facility equipped with a Stage II vapor recovery system and located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County.

(b) *Operating requirements.* The owner or operator, or both, of a gasoline dispensing facility subject to this section shall meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system):

(1) Maintain a Department-approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 90% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.

(1.1) Provide necessary maintenance and make modifications necessary to comply with this section.

(2) Provide adequate training and written instructions to the operator of the gasoline dispensing facility to assure proper operation of the Stage II vapor recovery system.

(3) Immediately remove from service and tag a defective vapor recovery hose, nozzle or other component of the Stage II vapor recovery system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds during an inspection that a defective vapor recovery hose, nozzle or other component of the Stage II vapor recovery system is not properly

tagged, the component may not be returned to service until the defect is corrected and the Department approves its return to service.

(4) Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area which, at a minimum, include:

(i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles used at the site.

(ii) A warning that continued attempts to dispense gasoline after the system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.

(iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

(5) Maintain records of the gasoline dispensing system test procedure results, monthly throughput, type and duration of any failure of the system and maintenance and repair records onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination. The records must be:

(i) Maintained for 2 years, unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(ii) Made available for inspection, upon request, by the Department.

(c) (Reserved).

(d) (Reserved).

(e) *Functional testing and certification requirements.* The owner and operator of a gasoline dispensing facility subject to this section shall comply with the functional testing and certification requirements specified in the EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act.

(1) The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance vapor recovery system shall conduct the following test procedures:

(i) A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.

(ii) A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.

(2) The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.

(3) The owner or operator of a gasoline dispensing facility that conducts a test procedure under paragraph (1) or (2) shall do all of the following:

(i) Conduct the test procedures in paragraph (1) simultaneously, consecutively or separately at different times of the 5-year period.

(ii) Conduct the test procedure in paragraph (2) simultaneously with, consecutively with or separately from the test procedures in § 129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.

(iii) Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.

(iv) Record all of the following information, as applicable, for each test procedure performed under paragraph (1) or (2):

(A) The name of the test procedure.

(B) The name of the person performing the test procedure.

(C) The date the test procedure was performed.

(D) The result of the test procedure.

(E) The date, time, type and duration of a test procedure failure.

(F) The name of the person correcting the test procedure failure.

(G) The date the test procedure failure was corrected.

(H) The action taken to correct the test procedure failure.

(d) *Additional requirements.* An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a and § 129.82a.

#### **§ 129.82a. Requirements to decommission a Stage II vapor recovery system.**

(a) *Applicability.* Beginning March 26, 2022, this section applies to the owner and operator of a gasoline dispensing facility that uses, has decommissioned or is decommissioning a Stage II vapor recovery system.

(b) *Compliance deadline.*

(1) *Stage II vacuum assist vapor recovery system.* The owner or operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that uses a Stage II vacuum assist vapor recovery system shall decommission the Stage II vacuum assist vapor recovery system on or before December 31, 2022.

(2) *Stage II vapor balance vapor recovery system.* The owner and operator of a gasoline dispensing facility in this Commonwealth that uses a Stage II vapor balance vapor recovery system shall comply with this section when the owner or operator decommissions the Stage II vapor balance vapor recovery system.

(c) *Test procedure documents.* The following are the full names of the vapor recovery test procedure documents specified in this section:

(1) PEI/RP300-09—The Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites," Chapter 14, Decommissioning Stage II Vapor-Recovery Piping, sections 14.1 through 14.6.13, including applicable updates and revisions.

(2) CARB TP-201.3—"Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities," amended July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—"Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)," adopted March 17, 1999, including updates and revisions.

(d) *Process to decommission a Stage II vapor recovery system.* The owner or operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system shall decommission the Stage II vapor recovery system by meeting all of the following:

(1) Successfully completing all of the steps in PEL/RP300-09, Chapter 14. The owner or operator shall cap off the vapor tight return line of the Stage II vapor recovery system at the gasoline storage tank top if accessible at the time of decommissioning. If the vapor tight return line is not accessible at the time of decommissioning, the vapor tight return line must be capped when either of the following circumstances occurs:

(i) The storage tank system or an associated piping component is under concrete, and a replacement or repair of the underground storage tank system or associated piping component involves breaking concrete on top of the tank where the vapor tight return line terminates.

(ii) The CARB TP-201.3 procedure performed under paragraph (2) indicates a problem with the vapor tight return line.

(2) Successfully completing all of the steps in CARB TP-201.3.

(3) Successfully completing all of the steps in CARB TP-201.3C.

(4) Completing Form 2700-FM-BAQ0129, including updates and revisions to the form, after decommissioning is complete, regardless of whether the vapor tight return line is accessible at the time of decommissioning and has been capped under paragraph (1). The owner or operator shall send the completed form within 10 business days of completion of the decommissioning to the Department Regional Air Program Manager or to the appropriate approved local air pollution control agency responsible for the county in which the decommissioning occurred.

(5) Maintaining onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the completed form that was submitted under paragraph (4). The owner or operator shall maintain the form onsite or electronically stored allowing for onsite examination for 2 years unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(e) *Certification requirements for installers and industry inspectors.* The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(1) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(2) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to

certification program for installers and inspectors of storage tanks and storage tank facilities).

(f) *Removal of responsibilities under § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)).* The owner and operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system under subsections (d) and (e) are no longer subject to § 129.82 at the gasoline dispensing facility.

(g) *Retention of responsibilities under § 129.61 (relating to small gasoline storage tank control (Stage I control)).* The owner and operator of a gasoline dispensing facility remains subject to § 129.61 after decommissioning a Stage II vapor recovery system.

(h) *Retention of responsibilities under § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).* The owner and operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that decommissions a Stage II vapor recovery system remains subject to § 129.61a.

[Pa.B. Doc. No. 22-405. Filed for public inspection March 25, 2022, 9:00 a.m.]

### **3. Documentation of Public Hearing and Certifications**

- a. Public hearing notice
- b. Transmittals of hearing notice to EPA & PA DEP
- c. Proof of publication of notice of hearing
- d. Certification of hearing
- e. Summary of Comments and responses
- f. Certifications of approval and adoption

**NOTICE OF VIRTUAL PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
FOR PROPOSED AMENDMENTS TO  
ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS  
ARTICLE XXI, AIR POLLUTION CONTROL**

The Allegheny County Board of Health (ACHD) will hold a virtual public hearing on Monday, September 27, 2021, at 10:00 AM to take testimony on proposed modifications to the following sections of ACHD Article XXI, along with the corresponding sections of County Ordinance 16782:

- §2101.20, “Definitions”
- §2105.13, “Gasoline Loading Facilities;” and
- §2105.14, “Gasoline Dispensing Facilities – Stage II Control.”
- §2105.90, “Gasoline Volatility;” and
- §2107.15, “Methods - Gasoline Volatility and RFG;” and

The changes to §2101.20, §2105.13 and §2105.14 will be submitted as revisions to Allegheny County’s portion of the Pennsylvania State Implementation Plan (SIP) regarding the ozone National Ambient Air Quality Standard (NAAQS).

The proposed regulations/SIP revisions are available on the Allegheny County Health Department (ACHD) Air Quality web site at [www.alleghenycounty.us/regs-sips](http://www.alleghenycounty.us/regs-sips). Written copies may be obtained by contacting Paulette Poulet, at [paulette.poulet@alleghenycounty.us](mailto:paulette.poulet@alleghenycounty.us) or 412-578-8103.

The hearing will be held virtually in compliance with safety precautions due to the COVID-19 pandemic.

- Persons wishing to present testimony at the hearing must register by going to the ACHD’s Air Quality website at [www.alleghenycounty.us/regs-sips](http://www.alleghenycounty.us/regs-sips). Persons who do not have access to the internet may register by contacting Paulette Poulet, at 412-578-8103.
- You must register to present testimony no less than 24 hours in advance of the virtual hearing.
- Testimony is limited to 3 minutes. Witnesses are requested to submit written copies of the testimony by email to [aqcomments@alleghenycounty.us](mailto:aqcomments@alleghenycounty.us).

The Board will also accept written comments, beginning on Friday, August 27, 2021, and concluding at 4:00 PM on Monday, September 27, 2021, by mail to ACHD Air Program, 301 39th Street, Bldg. 7, Pittsburgh, PA 15201-1811, or by email to [aqcomments@alleghenycounty.us](mailto:aqcomments@alleghenycounty.us).

Please contact Paulette Poulet, at [paulette.poulet@alleghenycounty.us](mailto:paulette.poulet@alleghenycounty.us) or 412-578-8103, if you have any questions or if you have any difficulty registering for the hearing.

COUNTY OF



ALLEGHENY

**RICH FITZGERALD**  
COUNTY EXECUTIVE

August 26, 2021

Mr. Mark Hammond, Director  
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P O Box 8468  
Harrisburg, PA 17105-8468

Dear Mr. Hammond:

Attached is a Notice of Public Hearing for proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding changes to Stage I and II Gasoline Dispensing Facility requirements found at §§2105.13 and 2105.14, and the complete removal of the Gasoline Volatility requirements found at §2105.90 and §2107.15 and related definitions in §2101.20.

The revisions being made to the Stage I and II regulations will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 91, as delineated in the Technical Support Document for that SIP.

The removal of §2105.90 and §2107.15, the Gasoline Volatility regulations, from the Pennsylvania SIP has already been approved by U.S. EPA in an earlier action (84 FR 32076, July 5, 2019). However, that action did not include the related definitions. Therefore, the portion of the change involving the revisions to §2101.20, "Definitions," will be submitted as a change to the Allegheny County portion of the PA SIP.

Information regarding the proposed SIP changes may also be found on the ACHD website at: [Regulations and SIPs | Air Quality | Health Department | Allegheny County](#)

The public comment period begins August 27, 2021 and concludes September 27, 2021 at 4:00 pm. The public hearing will be held September 27, 2021. Your comments are welcome.

ACHD SIPs 89A and 91 Hearing Notice Letter  
August 26, 2021

Sincerely,



Sandra Etzel, Section Head  
Planning & Data Analysis

cc: Jayme Graham (ACHD)  
Kirit Dalal  
Steve Hepler

Email Attachments

- Public Hearing Notice



Public\_Hearing\_Notice\_Stage 1 and Stage 2

- Proposed Article XXI/SIP Revisions 89A and 91



SIP89A Proposed  
Removal of RVP regul



SIP91 Proposed Revisions  
to Article XX 2105.13 :



August 26, 2021

Ms. Christina Fernandez, Director  
Air Protection Division  
Region III (3AP00)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029

Dear Ms. Fernandez:

Attached is a Notice of Public Hearing for proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding changes to Stage I and II Gasoline Dispensing Facility requirements found at §§2105.13 and 2105.14, and the complete removal of the Gasoline Volatility requirements found at §2105.90 and §2107.15 and related definitions in §2101.20.

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- Public Hearing Notice



Public\_Hearing\_Notice\_Stage 1 and Stage 2

- Proposed Article XXI/SIP Revisions 89A and 91



SIP89A Proposed  
Removal of RVP regul



SIP91 Proposed Revs  
to Article XX 2105.13 :

No. \_\_\_\_\_ Term, \_\_\_\_\_

### Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss D. Rullo, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

26 of August, 2021

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.



PG Publishing Company

Sworn to and subscribed before me this day of:  
August 26, 2021



Commonwealth of Pennsylvania - Notary Seal  
Karen Flaherty, Notary Public  
Allegheny County  
My commission expires November 16, 2024  
Commission number 1386128  
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS  
ALLEGHENY CO HEALTH DEPT-LEGAL  
542 4TH AVENUE  
PITTSBURGH PA 15219

To PG Publishing Company

Total ----- \$99.75

### Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office  
2201 Sweeney Drive  
CLINTON, PA 15026  
legaladvertising@post-gazette.com  
Phone 412-263-1440

PG Publishing Company, a Corporation, Publisher of  
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By \_\_\_\_\_

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney For

### COPY OF NOTICE OR PUBLICATION

NOTICE OF VIRTUAL  
PUBLIC HEARING AND  
PUBLIC COMMENT  
PERIOD FOR PROPOSED  
AMENDMENTS TO  
ALLEGHENY COUNTY  
HEALTH DEPARTMENT  
RULES AND  
REGULATIONS  
ARTICLE XXI, AIR  
POLLUTION CONTROL  
The Allegheny County Board of Health (ACHD) will hold a virtual public hearing on Monday, September 27, 2021, at 10:00 AM to take testimony on proposed modifications to the following sections of ACHD Article XXI, along with the corresponding sections of County Ordinance 16782:  
• §2101.13, "Definitions"  
• §2105.13, "Gasoline Loading Facilities"; and  
• §2105.14, "Gasoline Dispensing Facilities - Stage II Control."  
• §2105.90, "Gasoline Volatility"; and  
• §2107.15, "Methods - Gasoline Volatility and BFG;" and  
The changes to §2101.20, §2105.13 and §2105.14 will be submitted as revisions to Allegheny County's portion of the Pennsylvania State Implementation Plan (SIP) regarding the ozone National Ambient Air Quality Standard (NAAQS).  
The proposed regulations/SIP revisions are available on the Allegheny County Health Department (ACHD) Air Quality web site at [www.alleghenycounty.us/regs-sips](http://www.alleghenycounty.us/regs-sips). Written copies may be obtained by contacting Paulette Poulet, at [paulette.poulet@alleghenyco.org](mailto:paulette.poulet@alleghenyco.org) or 412-578-8103.  
The hearing will be held virtually in compliance with safety precautions due to the COVID-19 pandemic.  
• Persons wishing to present testimony at the hearing must register by going to the ACHD's Air Quality website at: [www.alleghenycounty.us/regs-sips](http://www.alleghenycounty.us/regs-sips). Persons who do not have access to the internet may register by contacting Paulette Poulet, at 412-578-8103.  
• You must register to present testimony no less than 24 hours in advance of the virtual hearing.  
• Testimony is limited to 3 minutes. Witnesses are requested to submit written copies of the testimony by email to [accomments@alleghenycount.us](mailto:accomments@alleghenycount.us).  
The Board will also accept written comments, beginning on Friday, August 27, 2021, and concluding at 4:00 PM on Monday, September 27, 2021, by mail to ACHD Air Program, 301 39th Street, Bldg. 2, Pittsburgh, PA 15201-1811, or by email to [accomments@alleghenycount.us](mailto:accomments@alleghenycount.us).  
Please contact Paulette Poulet, at [paulette.poulet@alleghenyco.org](mailto:paulette.poulet@alleghenyco.org) or 412-578-8103, if you have any difficulty registering for the hearing.

Revision 91

Article XXI

Section 2105.13, "Gasoline Loading Facilities"


Section 2105.14, "Gasoline Dispensing Facilities – Stage II Control"

Certification of Hearing

Tom Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on September 27, 2021 on the proposed revisions to Article XXI, "Rules and Regulations of the Allegheny County Health Department for Air Pollution Control," and County Ordinance No. 16782 revising §2105.13, "Gasoline Loading Facilities," §2105.14, and "Gasoline Dispensing Facilities – Stage II Control;"

that these changes are to be incorporated as a change to Allegheny County's Portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards;

that the opportunity for written comments was given in accordance with the requirements of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on August 26, 2021; and to the best of his knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

 9-30-2021  
Tom Lattner, Date  
Air Pollution Control Engineer  
Air Quality Program  
Allegheny County Health Department

**SUMMARY OF COMMENTS AND RESPONSES**

**for**

**Proposed SIP Revision 91**

**§2105.13, Gasoline Loading Facilities**

**§2105.14, Gasoline Dispensing Facilities – Stage II Control**


**Public Comment Period: August 27, 2021 to September 27, 2021**

**Public Hearing: September 27, 2021**

No comments were received during the public comment period.

**CERTIFICATION of APPROVAL and ADOPTION**

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendments revising §2105.13, "Gasoline Loading Facilities," and §2105.14, Gasoline Dispensing Facilities – Stage II," of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, and adopted by the Allegheny County Board of Health on November 3, 2021, ratified by the Allegheny County Council on July 5, 2022 (Ordinance 20-22-OR, Bill No. 12320-22), approved by the Allegheny County Chief Executive on July 12, 2022, and effective July 22, 2022, as a revision to the County's Portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards, were duly and properly enacted as prescribed by the Local Health Administration Law and the Allegheny County Home Rule Charter, and as such, are fully and legally enforceable by the Allegheny County Health Department and the County of Allegheny as provided for by the within authority.

  
Jason Willis, Esq.  
Solicitor  
Allegheny County Health Department