



**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
AIR MANAGEMENT SERVICES**

January 31, 2014

MEMORANDUM

TO: Owners and operators of gasoline dispensing facilities located in Philadelphia

FROM: Edward Braun, Air Management Services Program Manager

RE: **Suspension of Enforcement of the Stage II provided in 25 Pa. Code §129.82 and Air Management Regulation V Vapor Recovery Requirements for Newly Constructed Gasoline Dispensing Facilities in Philadelphia that Began Operations After July 31, 2012**

The City of Philadelphia Department of Department of Public Health, Air Management Services (AMS), through the exercise of enforcement discretion, has suspended enforcement of Stage II Vapor Recovery System (Stage II) requirements provided in 25 Pa. Code §129.82 and the vapor recovery provisions of Air Management Regulation (AMR) V § V.C. for newly constructed gasoline dispensing facilities in Philadelphia that began operations after July 31, 2012. **Gasoline dispensing facilities in Philadelphia that were constructed and / or were in operation before July 31, 2012 are still subject to these vapor recovery requirements until further notice.**

There are approximately 300 existing gasoline dispensing facilities in Philadelphia that are equipped with Vapor Recovery Systems as specified by 25 Pa. Code § 129.82 and AMR V. § V.C. However, the cost of these controls for newly constructed gasoline dispensing facilities outweighs any anticipated emission reduction benefits. In particular, the United States Environmental Protection Agency (EPA) Administrator signed a notice of final rulemaking determining that Onboard Refueling Vapor Recovery (ORVR) Systems are in widespread use throughout the motor vehicle fleet, and exercised her authority to waive the statutory requirement that Serious, Severe, and Extreme ozone nonattainment areas adopt and implement EPA programs requiring Stage II Vapor Recovery Systems (VRS) at certain gasoline dispensing facilities. 77 Fed. Reg 28772 (May 16, 2013). On August 18, 2012, the Pennsylvania Department of Environmental Protection (PADEP) suspended enforcement of Stage II requirements for gasoline dispensing facilities that began operation, or became newly subjected to Stage II requirements, after July 31, 2012.

AMS considers all air contamination sources and attendant air pollution control devices installed at a gasoline dispensing facility to include, existing underground storage tanks (UST), gasoline dispensers, and associated equipment. **Any existing gasoline dispensing facility where the preexisting UST system is removed and replaced with all new equipment, after July 31, 2012, will be considered a “newly constructed gasoline dispensing facility” for the purposes of this suspension.**

Owners and operators of gasoline dispensing facilities that were otherwise constructed before July 31, 2012 must continue to comply with the vapory recovery requirements of 25 Pa. Code § 129.82 and AMR V § V.C. until further notice. AMS’s exercise of enforcement discretion does not protect any owner or operator of a gasoline dispensing facility from the possibility of legal challenge by third persons under 25 Pa. Code § 129.82, the Commonwealth's approved SIP, of the Federal Clean Air Act.

For more information or questions concerning Vapor Recovery System requirements pertaining to gasoline dispensing facilities, please contact Source Registration, Air Management Services, (215) 685-7572, DPHAMS_Service_Requests@phila.gov.