



Fast Track Proposed Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) citation	Primary action: Article 37, 9VAC5-40 Secondary action: 9VAC5-20-21
Regulation title	Regulations for the Control and Abatement of Air Pollution
Action title	Emission Standards for Volatile Organic Compounds from Petroleum Liquid Storage and Transfer Operations, Stage II (Rev. C14)
Date this document prepared	June 16, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

Section 182 (b)(3) of the federal Clean Air Act required the implementation of Stage II vapor recovery in ozone nonattainment and maintenance areas, including northern Virginia and Richmond. Since then, in accordance with § 202(a)(6) of the Act, the U.S. Environmental Protection Agency (EPA) has determined that onboard refueling vapor recovery (ORVR) is in widespread use throughout the motor vehicle fleet, thus obviating the need to maintain Stage II vapor recovery programs. The department has examined whether Stage II is still necessary for ozone control purposes and has determined that Stage II is no longer needed. Removing this control requirement will not interfere with maintenance of any ozone standard. Therefore, on November 12, 2013 and March 18, 2014, the department submitted revisions to the state implementation plan (SIP) that satisfy all requirements of the federal Clean Air Act and EPA guidance regarding the removal of Stage II requirements from the northern Virginia and Richmond area attainment and maintenance plans. Virginia's specific Stage II requirements are found in Article 37 of 9VAC5-40, and must now be amended accordingly.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 13, 2014, the State Air Pollution Control Board:

1. Authorized the department to promulgate the attached proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The board's authorization constituted its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.

2. Authorized the department to set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. The identification should include a reference to the agency/board/person's overall regulatory authority, as well as a specific provision authorizing the promulgating entity to regulate this specific subject or program; and a description of the extent to which the authority is mandatory or discretionary.

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Written assurance from the Office of the Attorney General that the State Air Pollution Control Board possesses the statutory authority to promulgate the proposed regulation amendments is available upon request.

Promulgating Entity

The promulgating entity for this regulation is the State Air Pollution Control Board.

Federal Requirements

Sections 109 (a) and (b) of the federal Clean Air Act require EPA to prescribe primary and secondary air quality standards to protect public health and welfare, for each air pollutant for which air quality criteria were issued before the enactment of the 1970 Act. These standards are known as the National Ambient Air Quality Standards (NAAQS). Among the NAAQS specified by EPA under 40 CFR Part 50, ozone and its precursors (nitrogen oxides and volatile organic compounds) are included.

Section 110(a) of the federal Clean Air Act mandates that each state adopt and submit to EPA a state implementation plan (SIP) which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air quality control region in the state. The plan must establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the Act, establish schedules for compliance, prohibit emissions which would contribute to nonattainment of the standards or interfere with maintenance of the standards by any state, and require sources of air pollution to install, maintain, and replace monitoring equipment as necessary and to report periodically on emissions-related data.

Part D of the specifies state implementation plan requirements for nonattainment areas, with Subpart 1 covering nonattainment areas in general and Subpart 2 covering additional provisions for ozone

nonattainment areas. Ozone nonattainment areas are further classified, depending on the severity of their ozone pollution problem as marginal, moderate, serious, severe, and extreme, with correspondingly more stringent requirements imposed as the classification level increases.

Section 172(a) authorizes EPA to classify nonattainment areas for the purpose of assigning attainment dates. Section 172(b) authorizes EPA to establish schedules for the submission of plans designed to achieve attainment by the specified dates. Section 172(c) specifies the provisions to be included in each attainment plan, including the implementation of all reasonably available control measures as expeditiously as practicable.

Under Part D, Subpart 2, § 182(a)(2)(A) requires that the existing regulatory program requiring reasonably available control technology (RACT) for stationary sources of volatile organic compounds (VOCs) in marginal nonattainment areas be corrected by May 15, 1991, to meet the minimum requirements in existence prior to the enactment of the 1990 amendments. RACT is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. EPA has published control technology guidelines (CTGs) for various types of sources, thereby defining the minimum acceptable control measure or RACT for a particular source type.

Section 182(b) requires stationary sources in moderate nonattainment areas to comply with the requirements for sources in marginal nonattainment areas. The additional, more comprehensive control measures in § 182(b)(2)(A) require that each category of VOC sources employ RACT if the source is covered by a CTG document issued between enactment of the 1990 amendments and the attainment date for the nonattainment area. Section 182(b)(2)(B) requires that existing stationary sources emitting VOCs for which a CTG existed prior to adoption of the 1990 amendments also employ RACT. Section 182 (b)(3) requires the implementation of Stage II vapor recovery in ozone nonattainment and maintenance areas.

As required by Section 182 (b)(3), all gasoline dispensing facilities in moderate or worse nonattainment areas with a gasoline throughput of more than 10,000 gallons per month must install Stage II vapor recovery systems to prevent gasoline vapors from escaping to the atmosphere during motor vehicle fueling.

Section 182 (b)(3) also allows for an exemption for independent small business marketers of gasoline that sell less than 50,000 gallons per month. An independent small business marketer of gasoline is a person engaged in the marketing of gasoline who would be required to pay for procurement and installation of Stage II vapor recovery equipment under Section 324 of the Act; this definition does not apply if the marketer is a refiner or is affiliated with a refiner. Section 324 contains additional specific provisions relating to Stage II vapor recovery for small business marketers (independents) of gasoline. According to Section 324 (a), independently owned facilities with a gasoline throughput of 50,000 gallons per month or more are allowed an extended three year phase-in period for installation of Stage II vapor recovery systems. Section 324 (a) reiterates the exemption for independently owned facilities with a throughput of less than 50,000 gallons per month; however, Section 324 (b) states that nothing in Section 324 can prohibit any state from adopting or enforcing a Stage II regulation for independents having monthly sales of less than 50,000 gallons per month.

As required by Section 182 (b)(3)(B), the compliance date for installing Stage II vapor recovery systems for gasoline dispensing facilities built after the effective date of the state's Stage II regulation is six months after that regulation's effective date. Facilities that dispense 100,000 gallons of gasoline or more per month are required to install Stage II vapor recovery systems no later than one year after the effective date of the state's regulation. All other gasoline dispensing facilities must be in compliance no later than two years after the effective date of the state's Stage II regulation.

Section 182 (c) requires that program requirements for moderate nonattainment areas be applicable in serious nonattainment areas.

Section 184 establishes the Ozone Transport Region (OTR), which includes several northeast states and portions of northern Virginia, and imposes additional ozone control requirements specific to the region.

Section 202 (a)(6) provides that after the regulation requiring onboard refueling vapor recovery (ORVR) systems for new vehicles is adopted by EPA, Stage II controls will no longer be required in moderate nonattainment areas, and Stage II controls may be waived for serious, severe, and extreme nonattainment areas when the EPA Administrator determines that onboard controls are in widespread use throughout the U.S. motor vehicle fleet.

These provisions of the Act are implemented through federal regulations at 40 CFR Part 51, which sets out general requirements for the preparation, adoption, and submittal of SIPs. Other than what is specified in the Act, there are no specific regulatory requirements governing Stage II vapor recovery programs; the details of such programs were left to the states.

Beginning with model year 1998, ORVR equipment has been phased in for new vehicles, and has been a required control on nearly all new highway vehicles since 2006. Over time, non-ORVR vehicles will continue to be replaced with ORVR vehicles. Stage II and ORVR emission control systems are redundant, and EPA has determined that emission reductions from ORVR are essentially equal to and will soon surpass the emission reductions achieved by Stage II alone. On May 16, 2012 (77 FR 28772), EPA eliminated the largely redundant Stage II requirement in order to ensure that refueling vapor control regulations are beneficial without being unnecessarily burdensome to American business. This action allows, but does not require, states to discontinue Stage II vapor recovery programs.

State Requirements

Code of Virginia § 10.1-1300 defines pollution as "the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interfere with the enjoyment by the people of life or property." Excess emissions from petroleum liquid storage and transfer operations are harmful to human health and can significantly interfere with the people's enjoyment of life and property.

Code of Virginia § 10.1-1307 A provides that the board may, among other activities, develop a comprehensive program for the study, abatement, and control of all sources of air pollution in the Commonwealth.

Code of Virginia § 10.1-1308 provides that the board shall have the power to promulgate regulations abating, controlling, and prohibiting air pollution throughout or in any part of the Commonwealth in accordance with the provisions of the Administrative Process Act.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of this action is to amend the Emission Standards for Volatile Organic Compounds from Petroleum Liquid Storage and Transfer Operations regulation such that Stage II vapor recovery systems are no longer required in the northern Virginia Ozone Transport Region, and will not be required in the Richmond ozone maintenance area beginning on January 1, 2017.

Emissions of volatile organic compounds (VOCs) from the refueling of motor vehicles are controlled in two ways: Stage II fuel pumps, and onboard refueling vapor recovery (ORVR) systems that are directly integrated into an individual motor vehicle.

Gasoline dispensing facilities store fuel in underground storage tanks (USTs), which is then dispensed to individual vehicle fuel tanks. As a vehicle tank fills, the liquid gasoline displaces a commensurate amount of vapor that contains air and VOCs. Stage II vapor recovery, which is integrated into the gasoline pumping mechanism, captures the displaced vapor and returns it to the UST, where it either condenses to liquid form or is removed and transported to the fuel terminal by tanker refueling trucks. Fuel terminals vent the vapors to either a vapor combustion system, where the vapors are destroyed via oxidation, or a vapor recovery system, where the vapors are captured and regenerated as a liquid via carbon bed technology.

ORVR is a system found in gasoline-powered motor vehicles to capture gasoline vapors displaced from the vehicle fuel tank when it is being refueled. An onboard vapor recovery system consists of an activated carbon canister that captures the displaced vapor during refueling. A portion of the engine intake air then regenerates the carbon, and the hydrocarbons burn as fuel in the engine. Federal regulations now require on-board vapor recovery on all gasoline-powered passenger cars, light trucks, and complete heavy trucks of less than 14,000 pounds gross vehicle weight rating.

Stage II and ORVR do not always work together properly. When refueling an ORVR-vehicle with a vacuum assist-type Stage II equipped dispenser, compatibility problems may result in an increase in emissions from the UST vent pipe and other system fugitive emissions. In an ORVR-equipped vehicle, the liquid seal in the fill pipe blocks the vapor flow from the vehicle fuel tank, and fresh air drawn into the UST enhances gasoline evaporation in the UST. This additional evaporation increases pressure in the UST, and as tank pressure exceeds the rating of the pressure/vacuum valve, the valve allows vapor to escape. Balance-type and certain vacuum assist-type Stage II dispensers are compatible with ORVR and do not cause these excess emissions.

EPA recognizes this incompatibility problem, and the Clean Air Act has always contemplated Stage II becoming superseded by ORVR in some circumstances--hence EPA's determination of widespread use and waiver of the Stage II requirement.

Two Virginia areas have been subject to Stage II requirements: the Richmond ozone maintenance area, and the northern Virginia ozone nonattainment area (which generally corresponds to the Ozone Transport Region). The department examined whether Stage II is still necessary for ozone control purposes and has determined that Stage II is no longer needed in the areas' attainment and maintenance plans, which are approved into the Virginia State Implementation Plan (SIP). The department has also determined that ORVR will be in widespread use in the Richmond area by January 1, 2017, and became in widespread use in northern Virginia/OTR as of January 1, 2014. Because Stage II is no longer needed for the control of ozone in these areas, Virginia submitted amendments to effect its removal from the SIP on November 12, 2013 (for Richmond) and on March 19, 2014 (for northern Virginia). These SIP revisions satisfy all Clean Air Act and EPA requirements regarding the removal of Stage II vapor recovery system requirements. Virginia's specific Stage II requirements are found in Article 37 of 9VAC5-40, and must now be amended accordingly.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If either an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules; or the Department finds it necessary, based on public comments or for any other reason, to make any changes to the proposal, the Department shall (i) file notice of the objection/reason with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

In compliance with the Clean Air Act and EPA guidance, the department undertook an analysis to determine whether Stage II controls were needed in order to attain and maintain the ozone NAAQS; the results of this analysis demonstrated that the removal of Stage II will not have an impact on ozone emissions and is therefore no longer needed. The department then developed appropriate amendments to the SIP, which underwent public comment for federal SIP purposes. No comments were received from the public, and EPA actively supports the removal of this program as appropriate from SIPs. As discussed in greater detail elsewhere, the removal of Stage II controls is expected to have a positive economic and public health impact. Because a cost benefit will be realized at no expense of air quality, it is not expected that this action will be controversial.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. Note, more detail about all provisions or changes is provided in the "Detail of changes" section.

Stage II will no longer be mandatory in the northern Virginia ozone nonattainment area because ORVR has been in widespread use as of January 1, 2014. Stage II will no longer be mandatory in the Richmond ozone maintenance area as of January 1, 2017, as that is the date when ORVR will be in widespread use. Facilities decommissioning their Stage II equipment are required to meet certain decommissioning requirements in order to protect Stage I controls, and facilities that elect to continue to use Stage II must continue to operate and maintain the Stage II equipment properly.

Issues

Please identify the issues associated with the proposed regulatory action, including: (1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; (2) the primary advantages and disadvantages to the agency or the Commonwealth; and (3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

1. Public: The general public will enjoy greater air quality protection, as the incompatibility between Stage II and ORVR will be eliminated. Gasoline dispensing facilities will benefit from no longer having to install and maintain unnecessary pollution control equipment. The manufacturers of Stage II equipment and other ancillary Stage II installation and maintenance businesses will not see a negative impact even though there will no longer be a market for these devices in Virginia because they are selling replacement equipment and maintenance services and providing maintenance services through the transition period as facilities decommission. There are no disadvantages to the public.

2. Department: The department will no longer need to inspect gasoline dispensing facilities to ensure the proper installation and operation of Stage II equipment. This will enable department compliance staff to direct resources to facilities that have more of a direct impact on air pollution and public health. There are no disadvantages to the department or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are

no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The proposed regulation amendments are not more restrictive than the applicable legal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

The proposed regulation amendments apply to all localities subject to Stage II.

The portions of the Richmond VOC Control Area (see 9VAC5-20-206) subject to Stage II are the counties of Charles City, Chesterfield, Henrico, and Hanover and the cities of Colonial Heights, Hopewell, and Richmond; Prince George County and Petersburg City are exempt from Stage II. The VOC control area corresponds to the ozone maintenance area (see 9VAC5-20-203).

The entire Northern Virginia VOC Control Area (see 9VAC5-20-206) is subject to Stage II, and consists of the counties of Stafford, Arlington, Fairfax, Loudoun, and Prince William, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The VOC control area corresponds to the ozone nonattainment area (see 9VAC5-20-204) and the Ozone Transport Region (see 9VAC5-80-2010 C).

Public participation

Please include a statement that in addition to any other comments on the regulation, the agency is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community, and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal, the impacts on the regulated community, and impacts of the regulation on farm or forest land preservation. Also, the board is seeking information on impacts to small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (1) projected reporting, recordkeeping and other administrative costs, (2) probable effect of the proposal on affected small businesses, and (3) description of less intrusive or costly alternative methods of achieving the purpose of the proposal.

Anyone wishing to submit written comments may do so by mail, email, or fax to the staff contact listed below. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at www.townhall.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period. Commenters submitting faxes are encouraged to provide the signed original by postal mail within one week.

All comments requested by this document must be submitted to the agency contact: Karen G. Sabasteanski, Policy Analyst, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218 (email karen.sabasteanski@deq.virginia.gov, fax 804-698-4510).

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures.</p>	<p>It is not expected that the regulation amendments will result in any cost to the department beyond that currently in the budget. The sources of department funds to carry out this regulation are the general fund and the federal trust (grant money provided by EPA under § 105 of the federal Clean Air Act or permit fees charged to affected entities under the permit program). The activities are budgeted under the following programs: Air Protection Compliance and Enforcement (code 51326), and Air Protection Planning and Policy (code 51328). The costs are expected to be ongoing.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>The projected cost of the regulation on localities is not expected to be beyond that of other affected entities.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>Gasoline dispensing facilities located in the northern Virginia VOC control area and in portions of the Richmond VOC control area where gasoline is dispensed to motor vehicle tanks from stationary storage tanks have been required to install Stage II controls; ancillary testers, installers, maintainers, and manufacturers of Stage II and replacement equipment.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Gasoline dispensing facilities are considered to be small businesses. Approximately 681 gasoline dispensing facilities in the northern Virginia VOC control area and 493 gasoline dispensing facilities in the applicable portions of the Richmond VOC control area are subject to Stage II controls (1,174 total).</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>The specific costs of manufacturing, installing, and maintaining Stage II equipment are proprietary and were not disclosed to the department; however, it is known anecdotally that a Stage II dispenser costs approximately \$1500 more to install than a conventional dispenser; lesser maintenance costs are ongoing. Once Stage II is removed as a regulatory requirement, it is anticipated that existing stations will remove their Stage II controls as soon as possible and will be relieved of the cost of maintaining that equipment. No specific cost savings can be quantified because the equipment configurations and business needs of each facility vary greatly, however, it is believed that these savings will be significant.</p> <p>As mentioned elsewhere, businesses involved in Stage II manufacture, installation and maintenance are in the process of redirecting their business activities to decommissioning and the installation of new equipment; no cost disadvantages are known or anticipated.</p>

	<p>A routine Stage II inspection conducted by department staff takes approximately 2 hours. Assuming a base hourly pay cost of \$39.60, 2 hours times 1,174 stations equals 2,348 total hours and a yearly total cost of approximately \$92,980 to be saved by the department.</p> <p>From a national perspective, EPA estimates the long-term cost savings associated with the removal of Stage II to be approximately \$67 million per year.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>As discussed elsewhere, the general public will enjoy greater air quality protection, as the incompatibility between Stage II and ORVR will be eliminated. Gas stations will benefit from no longer having to install and maintain unnecessary and ineffective pollution control equipment. The department will no longer need to inspect gasoline dispensing facilities to ensure the proper installation and operation of Stage II equipment. This will enable department compliance staff to direct resources to facilities that have more of a direct impact on air pollution and public health.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Alternatives to the proposed regulation amendments were considered by the board. The board determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulation. The alternatives considered by the board, along with the reasoning by which the board has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulation to satisfy the provisions of the law and associated regulations and policies. This option was chosen because it meets the purpose of the regulation: to manage petroleum storage and transfer in such a manner as to reduce air pollution without creating an undue burden on small businesses.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option was not chosen because it would not enable the department to properly meet the purpose of the regulation.
3. Take no action to amend the regulation and continue to implement outdated and unnecessary regulatory requirements.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while

minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulation applies to all facilities, including small businesses. Any (1) establishment of less stringent compliance or reporting standards; (2) establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; or (5) exemption of small businesses from all or any part of the requirements contained in the proposed regulation for all small businesses would adversely affect the benefits that would be achieved through the implementation of the regulation.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: (1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; (2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; (3) strengthen or erode the marital commitment; and (4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
9VAC5-20-21 B		Documents incorporated by reference.	Date of most current CFR updated. Needed to enable use of the most current standards.
	9VAC5-20-21 E 15	Documents incorporated by reference.	PEI document referenced in 9VAC5-40-5220 F 8 added. Needed in order to enforce this document, which is necessary to endure proper implementation of the rule.
	9VAC5-40-	Specific requirements for	Amended to add specific

	5220 F 7 through 9	the Stage II program.	decommissioning requirements, and to reiterate that owners continuing to operate Stage II equipment must do so properly. Needed to minimize emissions and to ensure an orderly transition from the Stage II program as required by EPA guidance.
9VAC5-40-5270		Refers to the regulation for toxic pollutants.	Citation corrected. Needed for accuracy.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

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- CTG - control technology guideline
 - EPA - U.S. Environmental Protection Agency
 - NAAQS - National Ambient Air Quality Standard
 - ORVR - onboard refueling vapor recovery
 - OTR - Ozone Transport Region
 - RACT - reasonably available control technology
 - SIP - state implementation plan
 - UST - underground storage tank
 - VOC - volatile organic compound

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