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Sequence Number: 07-02-15
 Notice ID(s): 2334
 File Date: July 2, 2015

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Air Pollution Control
Contact Person:	Travis Blake
	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor
Address:	Nashville, TN 37243
Phone:	(615) 532-0617
Email:	travis.blake@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor
Address:	Nashville, Tennessee 37243
	1-866-253-5827 (toll free) or 615-532-0200
Phone:	Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room A		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15 th Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	08/31/15		
Hearing Time:	9:30 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-201 et seq. and will take place in the 15th Floor Conference Room A, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243 at 9:30 a.m. on August 31, 2015. Written comments will be included in the hearing records if received by the close of business on August 31, 2015, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue 15th Floor, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail until the close of business on August 31, 2015. Comments may be submitted via e-mail to Air.Pollution.Control@tn.gov.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than 10 days prior to August 31, 2015, or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 2nd Floor, Nashville, TN 37243, (866) 253-5827. Hearing impaired callers may use the Tennessee Relay Service, (800) 848-0298.

If you have any questions about the origination of these rule changes, you may contact Travis Blake at (615) 532-0617. For complete copies of the text of the notice, please contact Travis Blake, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243.

Rule 1200-03-18-24 Gasoline Dispensing Facilities – Stage I and Stage II Vapor Recovery is proposed to be amended. This amendment proposes to adopt the Federal requirements for gasoline dispensing facilities (40 CFR 63 Subpart CCCCCC) by reference and remove most State-specific language for Stage I vapor recovery. However, any gasoline dispensing facility with a monthly throughput of 10,000 gallons or more of gasoline that is located in Anderson, Blount, Carter, Cheatham, Davidson, Dickson, Fayette, Hamilton, Hawkins, Haywood, Jefferson, Knox, Loudon, Marion, Meigs, Montgomery, Putnam, Robertson, Rutherford, Sevier, Shelby, Sullivan, Sumner, Tipton, Unicoi, Union, Washington, Williamson, or Wilson Counties, will be subject to expanded requirements under Subpart CCCCCC. GDFs located in Davidson, Hamilton, Knox, or Shelby Counties are also subject to their local air pollution control program rules if they are more stringent than the proposed rule.

The amended rule will also allow existing gasoline dispensing facilities in Davidson, Rutherford, Sumner, Williamson, and Wilson Counties to remove Stage II vapor recovery systems beginning January 1, 2016, and will require the removal of all existing Stage II vapor recovery systems no later than January 1, 2019.

Interested parties may submit comments on **any** provision of the proposed rule. Public comments are specifically solicited on the following provisions:

Paragraph (1)(b) of the proposed rule requires any new or existing GDF with a monthly throughput of less than 10,000 gallons of gasoline and is located in Anderson, Blount, Carter, Cheatham, Davidson, Dickson, Fayette, Hamilton, Hawkins, Haywood, Jefferson, Knox, Loudon, Marion, Meigs, Montgomery, Putnam, Robertson, Rutherford, Sevier, Shelby, Sullivan, Sumner, Tipton, Unicoi, Union, Washington, Williamson, or Wilson Counties to comply with the requirements in 40 CFR §63.11117(b) and (c) (submerged fill requirements for gasoline storage tanks). The Division requests comment on whether the submerged fill requirements should apply Statewide for new facilities.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under T.C.A. 68-201-105, the Board general authority to promulgate rules. Materials concerning the proposed actions will be available for public inspection during normal working hours starting on _____, at the following locations:

Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue 15th Floor
Nashville, TN 37243

Division of Air Pollution Control
Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305

Division of Air Pollution Control
Chattanooga Environmental Field Office
1301 Riverfront Parkway, Suite #206
Chattanooga, TN 37402

Division of Air Pollution Control
Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601

Division of Air Pollution Control
Columbia Environmental Field Office
1421 Hampshire Pike
Columbia, TN 38401

Division of Air Pollution Control
Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921

Division of Air Pollution Control
Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506

Air Pollution Control Program
Shelby County Health Department
814 Jefferson Avenue
Memphis, TN 38105

All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the proposed revisions to the State Implementation Plan. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 PM on August 31, 2015, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-18	Volatile Organic Compounds
Rule Number	Rule Title
1200-03-18-.24	Gasoline Dispensing Facilities – Stage I and Stage II Vapor Recovery

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-18
Volatile Organic Compounds

Amendment

The Table of Contents for Chapter 1200-03-18 Volatile Organic Compounds is amended by changing the title of Rule 1200-03-18-.24 from "Gasoline Dispensing Facilities - Stage I and Stage II Vapor Recovery" to "Gasoline Dispensing Facilities."

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

Rule 1200-03-18-.24 Gasoline Dispensing Facilities - Stage I and Stage II Vapor Recovery is amended by deleting it in its entirety and substituting instead the following:

1200-03-18-.24 Gasoline Dispensing Facilities

- (1) The provisions of 40 CFR 63 Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities) are hereby adopted by reference as published in the July 1, 2014 edition of the Code of Federal Regulations (CFR), except as provided in subparagraphs (a) through (c) of this paragraph.
 - (a) Any reference contained in 40 CFR 63 Subpart CCCCCC to the:
 1. Administrator shall instead be a reference to the Technical Secretary;
 2. Applicable EPA regional office for the State of Tennessee shall instead be a reference to the EPA Region IV office; and
 3. Delegated State authority shall instead be a reference to the Technical Secretary.
 - (b) If your gasoline dispensing facility (GDF) has a monthly throughput of less than 10,000 gallons of gasoline, and is located in Anderson, Blount, Carter, Cheatham, Davidson, Dickson, Fayette, Hamilton, Hawkins, Haywood, Jefferson, Knox, Loudon, Marion, Meigs, Montgomery, Putnam, Robertson, Rutherford, Sevier, Shelby, Sullivan, Sumner, Tipton, Unicoi, Union, Washington, Williamson, or Wilson Counties, you must also comply with the requirements in 40 CFR § 63.11117(b) and (c).
 - (c) If your GDF has a monthly throughput of 10,000 gallons of gasoline or more and is located in Anderson, Blount, Carter, Cheatham, Davidson, Dickson, Fayette, Hamilton, Hawkins, Haywood, Jefferson, Knox, Loudon, Marion, Meigs, Montgomery, Putnam, Robertson, Rutherford, Sevier, Shelby, Sullivan, Sumner, Tipton, Unicoi, Union, Washington, Williamson, or Wilson Counties, you must comply with the requirements in 40 CFR § 63.11118.
 - (d) For any GDF claiming an exemption from subparagraph (b) or (c) of this paragraph based on monthly throughput, if the GDF exceeds the applicability thresholds specified in subparagraph (b) or (c) of this paragraph, it shall be subject to the requirements of subparagraph (b) or (c) of this paragraph even if its throughput later falls below the threshold. The owner or operator shall inform the Technical Secretary within 30 days following the exceedance.
- (2) Stage II vapor recovery requirements for GDF in Davidson, Rutherford, Sumner, Williamson, and Wilson counties.
 - (a) This paragraph applies only to GDF located in Davidson, Rutherford, Sumner, Williamson, and Wilson counties
 - (b) Any GDF with an existing Stage II vapor recovery system shall decommission and remove the system no later than January 1, 2019 and no GDF shall install a Stage II vapor recovery system on or after such date.

- (c) On and after January 1, 2016, until December 31, 2018, no GDF shall be required to install a Stage II vapor recovery system and a GDF may decommission and remove the GDF's existing Stage II vapor recovery system.
- (d) Any GDF that decommissions and removes a Stage II vapor recovery system shall conduct the decommissioning and removal in accordance with Petroleum Equipment Institute (PEI) guidance, "Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle Fueling Sites, PEI/RP300-09" for removal, notification, and certification.
- (e) Any GDF that has a Stage II vapor recovery system must comply with all applicable provisions of subparagraph (f) of this paragraph until the system is decommissioned and removed.
- (f) Stage II vapor recovery.
 - 1. Definitions.
 - (i) "Vacuum assist system" means the gasoline vapor recovery system that employs a vacuum generating device to effect transfer of gasoline vapor displaced in fueling a vehicle tank to a gasoline storage tank, vapor storage tank, or vapor processing unit.
 - (ii) "Motor vehicle" means any self-propelled vehicle used to carry people or property on a street or highway.
 - (iii) "Stage II vapor recovery system" means a system to recover gasoline vapors displaced during dispensing to motor vehicle fuel tanks.
 - (iv) "Storage tank or storage vessel" means any stationary tank, reservoir or container used for the storage of a volatile organic liquid.
 - (v) "Volatile organic liquid" means any substance which is liquid at storage conditions and which contains volatile organic compounds.
 - 2. The owner or operator of each GDF subject to this subparagraph shall comply with the following requirements:
 - (i) The Stage II vapor recovery system must be approved by the Technical Secretary; certified by the California Air Resources Board; designed, installed, operated, and maintained to recover gasoline vapors displaced during dispensing to motor vehicle fuel tanks; and accessible for inspection and testing.
 - (ii) The Stage II vapor recovery system shall include for any dispenser and system the following:
 - (I) Vapor-tight coaxial hose to conduct vapors captured during dispensing, except on new vehicle fueling lines at motor vehicle assembly plants where vapor-tight dual hose on vacuum assist systems may be employed in lieu of vapor-tight coaxial hose;
 - (II) For balance systems:
 - I. Installation of piping between the dispenser and the vapor collection tank which precludes liquid blockage in the piping; and
 - II. No device which inhibits immediate testing for dynamic backpressure;
 - (III) For vacuum assist systems, sufficient vacuum to prevent escape of gasoline vapors during dispensing;

- (IV) Vapor-tight piping, fittings, caps, couplers, and adapters; and
 - (V) Maintenance of vapor tightness throughout the vapor recovery system, except during facility storage tank loading, gauging, and sampling and during maintenance and testing necessitating disruption in the integrity of the system.
- (iii) Use of any aftermarket or rebuilt parts is restricted to parts approved by the California Air Resources Board.
 - (iv) Gasoline shall not be dispensed from a dispensing unit served by or permitted to be served by a component which does not satisfy the following:
 - (I) Each component required for operation of the system is in place and, to the extent it can be confirmed by sensory inspection, is unimpaired and operational;
 - (II) Each nozzle boot is not torn in either of the following manners:
 - I. Triangular - shaped or similar tear 1/2 inch or more to a side, or hole 1/2 inch or more in length; or
 - II. Slit 1 inch or more in length.
 - (III) Each faceplate or flexible cone is not damaged in the following manner:
 - I. For balance nozzles and nozzles for aspirator and eductor assist type systems, damage such that the capability to achieve a seal with a fillpipe interface is diminished for an accumulated total of 1/4 of the circumference of the faceplate; or
 - II. For nozzles for vacuum assist systems, more than 1/4 of the flexible cone is missing;
 - (IV) Each nozzle shutoff mechanism is operational;
 - (V) Each vacuum producing unit is operational;
 - (VI) Each vapor processing unit is operational;
 - (VII) Each fitting, cap, coupler, and adapter is vapor-tight; and
 - (VIII) Each pressure/vacuum relief valve, vapor check valve, and dry break is operational.
 - (v) The owner or operator shall conspicuously display fueling instructions and information in the gasoline dispensing area. These instructions and this information shall describe to customers clearly the proper procedure to be used for fueling vehicles from the dispenser. These instructions and this information shall include instruction about the proper method of reporting system defects first to facility management, and, then if defects are not corrected, to the Technical Secretary. The notice of the method of reporting to the Technical Secretary shall be displayed no earlier than 3 months after and no later than 6 months after the display of the other instructions and information listed above.

3. Test methods as follow apply:

- (i) The test methods found in Appendix J, Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Volume II, EPA - 450/3-91-022b (November 1991), to determine compliance with applicable requirements specified in part (2)(f)2 of this

rule; or

- (ii) Other methods necessary for demonstration of compliance approved by the Technical Secretary and the EPA.
4. Notification requirements – Each owner or operator of any facility containing sources subject to this subparagraph shall provide the Technical Secretary written notice of any compliance demonstration testing. This notice shall be provided to the Technical Secretary such that the Technical Secretary is informed of the proposed testing at least 14 days before the proposed date of testing, thereby providing the Technical Secretary opportunity to observe the testing.
 5. Recordkeeping requirements -- Each owner or operator of any facility containing sources subject to this subparagraph shall, except as provided otherwise in this chapter, maintain required permits and required logs of maintenance at the facility for which the permits are issued and the logs created for a minimum of 3 years. Such records shall be made available to the Technical Secretary upon request.
 6. Excess Emissions Report - The owner or operator of any facility containing sources subject to this subparagraph shall comply with the requirements in paragraph (2) of Rule 1200-03-18-.04.
 7. Compliance Demonstration Testing - The owner or operator of any facility containing sources subject to the provisions of this subparagraph shall:
 - (i) Within 30 days following the occurrence of an incident which could reasonably be expected to have adversely affected the performance of the system, such as excavation near system piping or following replacement of the system, perform applicable testing to demonstrate compliance is maintained; and
 - (ii) Within 5 years following any compliance demonstration for the complete system, demonstrate the system maintains compliance.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

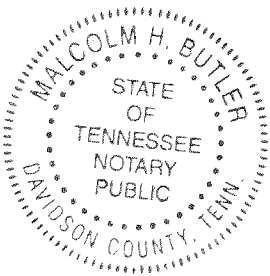
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 7/2/2015

Signature: [Handwritten Signature] For Barry R. Stephens

Name of Officer: Barry R. Stephens, P.E.

Title of Officer: Director, Tennessee Division of Air Pollution Control



Subscribed and sworn to before me on: July 2, 2015

Notary Public Signature: Malcolm H. Butler

My commission expires on: 1/11/2017

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Filed with the Department of State on: 7-2-2015

[Handwritten Signature]
Tre Hargett
Secretary of State

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