

## Plan Summary Revisions

**Title:** Revisions to the Attainment Plans for the Commonwealth of Virginia Portion of the Washington, DC-MD-VA 1990 1-Hour and 1997 8-Hour Ozone Nonattainment Areas and the Maintenance Plan for the Fredericksburg 1997 8-Hour Ozone Maintenance Area to **Remove the Stage II Vapor Recovery Program**

**Federal Register Dates:** May 26, 2015, 80 FR 29959 - Final Rule and Proposed Rule dated May 26, 2015 – 80 FR 30020.

**EPA Effective Date:** July 27, 2015

**State Submittal Dates:** March 18, 2014

**Affected Areas:** EPA designated Stafford County, Spotsylvania County, and the city of Fredericksburg as the Fredericksburg 1997 Ozone Nonattainment Area.

### **Background:**

On March 18, 2014, the Commonwealth of Virginia (Virginia) submitted revisions to the Virginia State Implementation Plan (SIP) through the Virginia Department of Environmental Quality (VADEQ) to amend the SIP-approved ozone attainment plans for the Virginia portion of the Washington, DC-MD-VA 1990 1-Hour and 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) Nonattainment Areas (Northern Virginia Areas) and the maintenance plan for the Fredericksburg 1997 8-Hour Ozone NAAQS Maintenance Area (Fredericksburg Area) (collectively referred to as the Virginia Areas or Areas). The revisions also address the impact on the attainment/maintenance plans due to the removal of Virginia's Stage II vapor recovery equipment from subject gasoline dispensing facilities in the subject areas. The SIP revisions contain a demonstration that removal of the Stage II vapor recovery program will not interfere with attainment or maintenance of the NAAQS in accordance with section 110(l) of the Clean Air Act (CAA). The analysis in these SIP revisions also contains a demonstration that meets the requirements of section 184(b)(2) of the CAA which requires areas in the Ozone Transport Region (OTR) to implement the Stage II vapor recovery program or a comparable measure.

Stage II vapor recovery was originally required by the CAA in 1990 in two Virginia ozone nonattainment areas. Virginia adopted and published its Stage II vapor recovery regulations as Rule 4-37 of VR 120-01, entitled "Emission Standards for Petroleum Liquid Storage and Transfer Operations" in the November 2, 1992 edition of the *Virginia Register of Regulations (Vol 9, Issue 3)*, effective January 1, 1993. Virginia's Stage II rules applied to the Northern Virginia and Richmond VOC Emission Control Areas, as defined under 9 VAC 5-40-5200(B)(2) and 9 VAC 5-20-206.

Virginia submitted its Stage II regulation to EPA as a SIP revision on November 5, 1992. EPA approved Virginia's Stage II SIP revision on June 23, 1994 (59 FR 32353).

## Stage II and the Fredericksburg 1997 Ozone Maintenance Area Maintenance Plan

On April 30, 2004 (69 FR 23941), EPA designated Stafford County, Spotsylvania County, and the city of Fredericksburg as the Fredericksburg 1997 Ozone Nonattainment Area. Since the air quality in the Fredericksburg 1997 Ozone Nonattainment Area met the 1997 ozone NAAQS, a redesignation request and maintenance plan were submitted by Virginia on September 28, 2005; EPA approved the redesignation request and maintenance plan on December 23, 2005 (70 FR 76165).

### **Summary:**

The removal of Stage II gasoline vapor control programs from the SIP has to meet certain requirements. Any SIP revision that may relax the SIP must meet the requirements of section 110(l) of the Clean Air Act. Section 110(l) requires a demonstration proving that the SIP would not be relaxed if the measure in question is removed. Additionally, and specific to the removal of Stage II, certain areas must meet the requirements of CAA sections 184(b)(2) and 193. CAA section 184(b)(2) applies to areas that are in the Northeast Ozone Transport Region (OTR); these areas in the OTR are required to implement Stage II or another program with comparable emissions reductions referred to as the “comparable measures” requirement. Additionally, CAA section 193, also referred to as the “general savings clause,” requires areas trying to modify control measures approved prior to November 15, 1990 to prove that modification of the control measure “insures equivalent or greater emissions reductions.” The Area did not have Stage II approved into its SIP prior to November 15, 1990, therefore CAA section 193 does not apply. The Area is a part of the OTR, therefore CAA section 184(b)(2) does apply. These SIP revisions demonstrate compliance with CAA sections 110(l) and 184(b)(2).

### **Conclusion:**

EPA thoroughly evaluated the submittal made by Virginia through VADEQ. EPA’s detailed review has led EPA to conclude that VADEQ properly addressed the recommended increment and VOC inventory calculations which prove when Stage II no longer provides a benefit for the Virginia Areas. EPA agrees with VADEQ that withdrawal of the Stage II requirement is appropriate on January 1, 2014. EPA also reviewed additional data provided by VADEQ showing ozone formation in the Virginia Areas is much more NO<sub>x</sub> dependent. In conclusion, EPA agrees with Virginia’s recommendation that the Stage II requirement be removed on January 1, 2014, since at that point in time, the Virginia Areas will no longer see any emissions benefits from the implementation of Stage II. Also, at that point in time, the Virginia Areas will have met and exceeded the *de minimus* requirement for removing Stage II. EPA is approving the removal of Stage II from the attainment and maintenance plans for the Virginia Areas because the submitted analysis demonstrates that Stage II removal will not interfere with the attainment or maintenance of the NAAQS in accordance with section 110(l) of the CAA and meets the requirements of section 184(b)(2) of the CAA.

**Contact Person: Asrah Khadr**, U. S. EPA, Region III  
1650 Arch Street, Philadelphia, PA 19103  
Telephone: (215) 814-2071