

Gasoline Dispensing Facility Vapor Recovery Rules

Advisory Committee Charter

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Objectives and Scope

Policy Objectives

Gasoline dispensing facilities (GDFs) use vapor control devices at two stages of the gasoline dispensing train. Stage I gasoline vapor recovery systems (VRS) capture vapors expelled from underground storage tanks at gas stations when being refilled by tank trucks. Stage II VRS capture gasoline vapors that would otherwise be vented during individual vehicle refueling at gas stations.

Stage II VRS requirements apply to GDFs in Clackamas, Multnomah and Washington counties with annual throughputs exceeding 600,000 gallons and are included as a control strategy in the Portland-Vancouver Air Quality Maintenance Area (AQMA, Oregon Portion) and Salem-Keizer Area Ozone Maintenance Plan. Stage I VRS requirements apply statewide to storage tanks at GDFs with a capacity of 250 gallons with annual throughput of 480,000 gallons of gasoline or more, or monthly throughput of 100,000 gallons of gasoline or more. In Clackamas, Multnomah, or Washington Counties the minimum annual throughput is 120,000 gallons of gasoline or more. Stage I VRS requirements also apply to all GDF tanks with a capacity of 1,500 gallons or more in the Portland AQMA, Medford AQMA, or Salem-Keizer Area Transportation Study (SKATS) area.

The Clean Air Act Amendments of 1990 required automakers nationwide to equip new vehicles with "onboard refueling vapor recovery" systems (ORVR). The phase-in of ORVR controls essentially eliminates the need for Stage II VRS. Since ORVR controls are in widespread use, EPA has waived the statutory requirement that Serious, Severe, and Extreme ozone nonattainment areas adopt and implement Stage II gasoline VRS at certain GDFs. Additionally, compatibility problems can result in an increase in emissions from the UST vent pipe and other system fugitive emissions related to the refueling of ORVR vehicles with some types of Stage II VRS.

As of 2014, 68 percent of Oregon registered vehicles were equipped with ORVR. At the same time, approximately 45 percent of GDFs in the Portland metro region equipped with Stage II VRS had systems that were incompatible with ORVR. Despite this, in 2014, Stage II VRS saved approximately 13% of GDF statewide VOC emissions (prevented minus added). DEQ is currently updating the 2014 analysis to look at more recent vehicle fleet characteristics and the current state of vapor emissions from gasoline stations in Oregon.

Enhanced Vapor Recovery (EVR) requirements further capture gasoline vapor emissions at GDFs. This rulemaking will include analysis of EVR controls and the emissions reductions from requiring these controls at GDFs in Oregon. Phase I EVR requires more durable and leak-tight components, along with an increased vapor collection efficiency. Phase II (vehicle refueling) includes three major advancements:

- 1) dispensing nozzles with less spillage and required compatibility with ORVR vehicles,
- 2) a processor to control the static pressure of the ullage, or vapor space, in the underground storage tank, and
- 3) an in-station diagnostic (ISD) system that provides warning alarms to alert a GDF operator of potential vapor recovery system malfunctions.

The primary goal of this project is to review gasoline dispensing facility vapor control requirements and determine what, if any, modifications to the GDF rules should be made to optimize ground level ozone precursor emission reductions from GDFs in Oregon. This project will also include any rulemaking required to align the rules with the best practices for toxics reduction for Oregon.

Fiscal and Economic Impact

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

Impacted persons and communities

ORS 183.333 also requires that advisory committee members must represent the interest of persons and communities likely to be affected by the rule.

Roles

DEQ Facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

Committee Members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot

participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-Committee Member Attendees

Those who attend the committee meetings, but are not members of the committee are there only to observe and not to actively participate. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

DEQ Staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ Support and Website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory

committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background will all be located on the advisory committee webpage <https://www.oregon.gov/deq/rulemaking/Pages/GDF2022.aspx>.

Committee Meetings

1. All committee meetings will be:
 - open to the public, although the committee can choose whether the public can actively participate in committee meetings
 - advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
 - [noticed by email](#) to the Air Quality Maintenance Plan and Rulemaking GovDelivery lists
 - noticed on DEQ's Facebook/Twitter account
 - held at
 - accessible via a call-in number or webinar
2. The committee is expected to meet 4 times. The meetings will be held virtually with links provided prior to each meeting. The meeting duration times above may vary depending on topics and committee progress.
3. Meeting materials and agenda will be posted to the advisory committee webpage

Decision Making

DEQ will not seek consensus from the committee, nor will the committee be asked to vote, on specific issues. The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

Advisory Committee Membership	
Name	Affiliation
Jason Cole	Oregon Fuels Association / Ed Staub & Sons
David Painter	Barghausen
Shawn Carter Elton	Safeway, NW Grocers Association
Lisa Arkin	Beyond Toxics
John Wasiutynski Alternate: Nadège Dubuisson	Multnomah County

Technical Review Panel

DEQ convened a technical review panel to provide input on the gas station control options. The panel members have expertise in Stage I, Stage II and EVR gas station vapor recovery controls. The technical review panel is not a decision-making body, but will provide technical review and input on DEQ’s analyses and recommendations to the advisory committee.

Technical Review Panel		
Name	Affiliation	Area of Expertise
Clint Lamoreaux	Southwest Clean Air Agency	Government oversight
Chuck Softich	Oregon Fuels Association	Industry
Lori Hoover	Barghausen	Consulting Engineer, Service Provider
Shawn Carter Elton	Safeway	NW Grocers Association

Public Records and Confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information Exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

Public Involvement

All meetings will be open to the public. The committee can choose whether to allow public input during a committee meeting. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting .

DEQ Contacts

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