



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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## **Background Document for Proposed Amendments To 310 CMR 7.24(3) Distribution of Motor Vehicle Fuel**

**May 27, 2022**

Regulatory Authority:  
M.G.L. Chapter 111, §§ 142A through 142O

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## 1. Summary

The Massachusetts Department of Environmental Protection (MassDEP) is proposing to amend 310 CMR 7.24(3) Dispensing of Motor Vehicle Fuel (Stage I vapor recovery) to update the lists of California Air Resources Board (CARB) certified Stage I Enhanced Vapor Recovery (EVR) systems to include new systems certified by CARB since June 16, 2017, or previously approved systems, whose Executive Orders have been updated since June 16, 2017, the date the current MassDEP Stage I regulation was last revised.

By updating the lists of referenced CARB certified Stage I EVR systems, MassDEP will ensure all currently certified CARB Stage I EVR systems and components are approved for installation in Massachusetts.

## 2. Background

Stage I vapor recovery systems are installed on motor vehicle fuel (gasoline) delivery tank trucks and underground and aboveground gasoline storage tanks to prevent the release of gasoline vapors to the ambient air when gasoline is transferred from a tank truck to an underground or aboveground gasoline storage tank. MassDEP relies on the installation and maintenance of CARB certified Stage I EVR Systems to ensure the control efficiency of installed Stage I systems are at least 98% by weight of vapors displaced during the transfer of gasoline from a tank truck to gasoline storage tanks. The Stage I EVR System installation and maintenance requirements are documented in the CARB Executive Orders which are incorporated into 310 CMR 7.24(3).

MassDEP proposes to amend the following tables found at 310 CMR 7.24(3)(c)1.:

Table 1. CARB Underground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders.

Table 2. CARB Aboveground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders.

Tables 1. and 2. above, list all current CARB Certified Stage I EVR System Executive Orders. The proposed amendments to Tables 1. and 2. will update the lists of CARB Certified Stage I EVR Systems to include those new systems certified by CARB since June 16, 2017, or previously approved systems, whose Executive Orders have been updated since June 16, 2017, the date the current MassDEP Stage I regulation was last revised.

No other section of 310 CMR 7.24(3) is proposed for amendment.

## 2. BACKGROUND - CONTROL OF MOTOR VEHICLE FUEL VAPORS

### Stage I Vapor Controls

Volatile organic compounds (VOCs) and hazardous air pollutants are emitted to the ambient air during the transfer of motor vehicle fuel (i.e., gasoline) from gasoline delivery trucks to gasoline storage tanks. VOCs are a key contributor to the formation of ground-level ozone. Regulations to control VOCs emitted during the transfer of gasoline is an important element of the Massachusetts State Implementation Plan (SIP) for ozone. Gasoline vapors contain numerous toxic constituents, including benzene, which is a known carcinogen. Stage I vapor recovery

systems prevent the release of gasoline vapors to the ambient air, thereby protecting public health and the environment.

### State Implementation Plan Revision

MassDEP is required to submit the final regulatory amendments to EPA as a revision to the State Implementation Plan (SIP). In order for EPA to approve the regulatory amendments, MassDEP must demonstrate that the amendments meet CAA Section 110(l). Section 110(l) prohibits EPA approval of a SIP revision that interferes with attainment of the National Ambient Air Quality Standards (NAAQS) or other Clean Air Act (CAA) requirements.

The proposed amendments to 310 CMR 7.24(3) do not interfere with attainment of the NAAQS or other CAA applicable requirements.

### 3. Proposed Amendments to 310 CMR 7.24(3) Distribution of Motor Vehicle Fuel

MassDEP is proposing amendments to Tables 1. and 2. to update the lists of approved CARB Certified Stage I EVR Systems to include those new Stage I Systems certified by CARB since June 16, 2017, or previously approved CARB EVR systems whose Executive Orders have been updated since June 16, 2017, the date the current Stage I regulation was last revised.

310 CMR 7.24(3)(c)1.: Table 1.

CARB Underground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders

Executive Order Number	Description	Date
VR-101- <del>PV</del>	Phil-Tite/ <del>EBW/FFS</del> Phase I Vapor Recovery System	<del>May 29, 2017</del> <u>April 27, 2022</u>
VR-102- <del>QV</del>	OPW Phase I Vapor Recovery System	<del>May 29, 2017</del> <u>May 31, 2021</u>
<del>VR-103-G</del>	<del>EBW Phase I Vapor Recovery System</del>	<del>June 3, 2013</del>
VR-104- <del>HL</del>	CNI Manufacturing Phase I Vapor Recovery System	<del>May 29, 2017</del> <u>May 31, 2021</u>
VR-105- <del>DJ</del>	EMCO Wheaton Phase I Vapor Recovery System	<del>June 3, 2017</del> <u>May 31, 2021</u>

310 CMR 7.24(3)(c)1.: Table 2.

CARB Aboveground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders

Executive Order Number	Description	Date
VR-301- <del>FI</del>	Standing Loss Control of Vapor Recovery Systems for Existing Installations of Aboveground Storage Tanks	<del>June 3, 2014</del> <u>June 26, 2020</u>
VR-302- <del>FI</del>	Standing Loss Control of Vapor Recovery Systems for New Installations of Aboveground Storage Tanks	<del>June 3, 2014</del> <u>June 26, 2020</u>
VR-401- <del>EF</del>	OPW <del>Phase I</del> Enhanced Vapor Recovery (EVR) System for Above <del>g</del> Ground Storage Tanks (AST)	<del>June 29, 2015</del> <u>July 17, 2019</u>

VR-402- <del>DE</del>	Morrison Brothers Phase I Enhanced Vapor Recovery (EVR) System for AbovegGround Storage Tanks (AST)	<del>March 29, 2016</del> <u>July 17, 2019</u>
G-70-216	Extension of <del>Executive Orders</del> <u>Effective Dates</u> for Existing AbovegGround Storage Tanks	March 13, 2014

#### 4. Economic Impacts

The proposed amendments will make the latest CARB certified Stage I EVR designs and components available to the regulated community leading to improved emission control and lower Stage I system operation and maintenance costs over time.

#### 5. Impacts on Massachusetts Municipalities

Pursuant to Executive Order 145, state agencies must assess the fiscal impact of new regulations on the Commonwealth's municipalities. The availability of improved Stage I EVR systems and components will reduce operation and maintenance costs of all Stage I System owners, including Massachusetts municipalities. MassDEP notes that ownership and operation of a gasoline dispensing facility (GDF), which municipalities may voluntarily undertake, is not a mandated municipal service. Therefore, costs associated with GDF operation are not mandated costs subject to the restrictions of M.G.L. c. 29, s. 27C(c)). Town of Norfolk v. Department of Environmental Quality Engineering, 407 Mass 233 (1990).

#### 6. Massachusetts Environmental Policy Act (MEPA)

Pursuant to 301 CMR 11.03 (Massachusetts Environmental Policy Act Regulations), MassDEP is not required to file an Environmental Notification Form regarding the proposed amendments. The amendments will not reduce public access to information, reduce opportunities for public comment or significantly reduce standards of environmental protection in the regulation, the purpose of which is to protect public health and the environment.

#### 7. Public Participation

MassDEP will hold a virtual public hearing on the proposed amendments in accordance with M.G.L. c. 30A and will accept written comments for 10 days after the public hearing. MassDEP will submit the final amendments to EPA for approval as a revision to the Massachusetts State Implementation Plan. The public hearing notice, proposed regulation and background document are available on MassDEP's website at: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>. For further information, please contact Jeff Gifford at 617-556-1144, or [Jeffrey.Gifford@mass.gov](mailto:Jeffrey.Gifford@mass.gov).