

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT	STATUS: Effective	POLICY NUMBER: Air-032-NPD	
AGENCY NONRULE POLICY DOCUMENT SUBJECT: Stage II Vapor Recovery for E85 Fuel Blends	AUTHORIZED: Thomas W. Easterly, Commissioner Keith Baugues, Assistant Commissioner		
	SUPERSEDES:	ISSUING OFFICE(S): Office of Air Quality	
	ORIGINALLY EFFECTIVE: July 6, 2007	RENEWED/REVISED: Date	

Disclaimer: This Nonrule Policy Document (NPD) is being established by the Indiana Department of Environmental Management (IDEM) consistent with its authority under IC 13-14-1-11.5. It is intended solely as guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and if it conflicts with these rules or laws, the rules or laws shall control. Pursuant to IC 13-14-1-11.5, this policy will be available for public inspection for at least 45 days prior to presentation to the appropriate State Environmental Board, and may be put into effect by IDEM 30 days afterward. If the nonrule policy is presented to more than one board, it will be effective 30 days after presentation to the last. IDEM also will submit the policy to the Indiana Register for publication.

This NPD was reformatted according to agency standards in 2011.

1.0 PURPOSE

The purpose of this nonrule policy document is to clarify the department's compliance policy for 326 IAC 8-4-6(c)(2)(A)(i) regarding Stage II Vapor Recovery System requirements for gasoline dispensing facilities in Clark, Floyd, Lake, and Porter Counties, Indiana that dispense 85% ethanol and 15% gasoline blended fuel (E85) through a dedicated pump.

2.0 SCOPE

This policy applies to any gasoline dispensing facility subject to 326 IAC 8-4-6(c)(1) in Clark, Floyd, Lake, or Porter Counties, Indiana where at least one of the facility's pumps is capable of dispensing 85% ethanol and 15% gasoline blended fuel (E85).

3.0 SUMMARY

The Indiana Department of Environmental Management (IDEM) will not enforce the requirement to install Stage II vapor recovery equipment at pumps used exclusively to dispense E85 blended fuel in Clark, Floyd, Lake, and Porter Counties, Indiana.

The Clean Air Act Amendments (CAAA) of 1990 required all gasoline dispensing facilities located in areas classified as extreme, severe, serious, or moderate nonattainment of the 1-hour ozone standard to have Stage II vapor recovery systems in place and operational. The focus of the CAAA requirement was to control emissions and accordingly was implemented in Indiana for Clark, Floyd, Lake, and Porter Counties, Indiana by the passage of 326 IAC 8-4-6. 326 IAC 8-4-6(c)(2)(A)(i) requires all vapor collection and control systems to be certified by the California Air Resources Board (CARB). However, at this time, there are no CARB certified Stage II vapor recovery systems specific to the dispensing of E85 fuel. Therefore, gasoline dispensing facilities in Indiana are unable to meet the Stage II vapor recovery requirements of the IDEM rule as it relates to the dispensing of E85 blended fuel from the pump.

Emissions from fueling with E85 can be captured via a vehicle's On Board Refueling Vapor Recovery (ORVR) instead of by the Stage II dispenser equipment on the pump. The majority of E85 fuel capable vehicles have ORVR installed.

Since 326 IAC 8-4-6 was intended to control emissions resulting from vehicle fueling and not to ban the sale of alcohol/gasoline blends, this nonrule policy document enables gasoline dispensing facilities in Clark, Floyd, Lake, and Porter Counties, Indiana to dispense E85 from segregated systems without having to install a CARB certified system for reasons stated in the U.S. Environmental Management Agency's (U.S. EPA's) memorandum "Removal of Stage II Vapor Recovery in Situations Where Widespread Use of Onboard Refueling Vapor Recovery is Demonstrated," dated December 12, 2006. Until such time that IDEM completes a rule change in regard to this issue, IDEM will apply the policy contained in this document.

4.0 DEFINITIONS

- 4.1 "E85" – Motor vehicle fuel blends of 85% ethanol and 15% gasoline.
- 4.2 "On Board Refueling Vapor Recovery (ORVR)" – A canister on the motor vehicle that collects emissions from the dispensing of fuel.
- 4.3 "Stage II Vapor Recovery System" – Any system certified by California Air Resources Board (CARB) that limits the discharge to the atmosphere of motor vehicle fuel vapor displaced during the dispensing of motor vehicle fuel into motor vehicles.

5.0 ROLES

- 5.1. Non-IDEM parties' responsibilities:
 - A. Gasoline dispensing facilities in Clark, Floyd, Lake, and Porter Counties, Indiana:
 - 1. May dispense E85 from pumps dedicated exclusively to E85 without installing Stage II vapor control recovery equipment.
- 5.2. IDEM parties:
 - A. Office of Air Quality and IDEM Regional Office inspectors:
 - 1. Are responsible for compliance inspections and for implementing this policy at gasoline dispensing facilities subject to 326 IAC 8-4-6 currently operating in Clark, Floyd, Lake, and Porter Counties, Indiana.

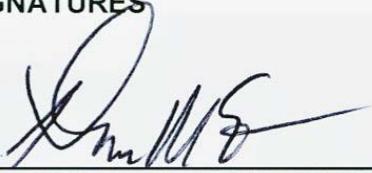
6.0 POLICY

- 6.1 IDEM's rule (326 IAC 8-4) contains vapor recovery requirements for gasoline dispensing facilities in Indiana. Section 8-4-6 requires Stage II vapor recovery systems at gasoline dispensing facilities in Clark, Floyd, Lake, and Porter Counties, Indiana. IDEM will not enforce the requirement to install Stage II vapor recovery equipment on pumps used exclusively for dispensing E85 blended fuel provided the following conditions are met:
 - A. The pump is used only for the dispensing of E85 blended fuel. No other gasoline fuel blend shall be dispensed in conjunction with E85 blended fuel.
 - B. The gasoline dispensing facility subject to 326 IAC 8-4-6 and operating in Clark, Floyd, Lake, or Porter Counties, Indiana continues to have Stage II vapor recovery systems installed and operational on all conventional gasoline dispensing equipment.
 - C. During an inspection, IDEM may request records that document the location of E85 blended fuel dispensers and E85 blended fuel delivery receipts.
 - D. For dispensers that pump conventional gasoline, IDEM may conduct a traditional Stage II inspection to determine compliance with the requirements of 326 IAC 8-4-6.
- 6.2 This policy will guide compliance inspections and enforcement activities of the IDEM Office of Air Quality and the IDEM Regional Offices at these facilities.

7.0 REFERENCES

- 7.1 Indiana Administrative Code, 326 IAC 8-4-6, Volatile Organic Compound Rules, Petroleum Sources, Gasoline Dispensing Facilities
- 7.2 U.S. EPA's memorandum "Removal of Stage II Vapor Recovery in Situations Where Widespread Use of Onboard Refueling Vapor Recovery is Demonstrated," December 12, 2006

8. SIGNATURES



Thomas W. Easterly, Commissioner
Indiana Department of Environmental Management

NOVEMBER 21, 2007
Date

This policy is consistent with Agency requirements.



Indiana Department of Environmental Management
Quality Assurance Program
Planning and Assessment

11/20/07
Date