



TEXAS FOOD & FUEL — ASSOCIATION —

Regulatory Alert No. 521

August 23, 2012

ATTN: Operations

Contact:

[Scott B. Fisher](#)

**IMPORTANT INFORMATION
PLEASE READ IMMEDIATELY**

TPCA Vice President of
Policy and Public Affairs
512-617-4308

REGULATORY ALERT

TCEQ ANNOUNCES ENFORCEMENT DISCRETION DIRECTIVE ON STAGE II VAPOR RECOVERY SYSTEMS

New Facilities Won't Be Required to Install Stage II Systems in the Non-Attainment Counties

Effective immediately, the Executive Director of the Texas Commission on Environmental Quality (TCEQ) will exercise enforcement discretion for potential violations of 30 TAC Chapter 115, Subchapter C, Division 4, which requires approved and certified Stage II vapor recovery systems at gasoline dispensing facilities (GDF) in: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties in the Houston-Galveston-Brazoria area; Collin, Dallas, Denton, and Tarrant Counties in the Dallas-Fort Worth area; El Paso County; Hardin, Jefferson and Orange Counties in the Beaumont-Port Arthur area. [Click here](#) for a copy of the directive

This enforcement discretion only applies to:

- 1) Any new GDF that began construction of permanent gasoline dispensing equipment at this facility on or after May 16, 2012, and would otherwise be required to install Stage II equipment.
- 2) Any new GDF that has not begun dispensing fuel and began construction before May 16, 2012, and can certify that Stage II equipment has not begun to be installed at the facility;
- 3) GDF's that become subject to Stage II requirements due to an increase in throughput on or after May 16, 2012 and would otherwise be required to install Stage II equipment
- 4) Transport vessels that dispense gasoline to GDF's listed in 1,2, or 3 of this enforcement discretion directive.

GDF's currently equipped with Stage II systems must continue to comply with the existing Stage II requirements in the regulations

GDF's that meet the requirements of this discretion directive must continue to comply with the Stage I requirements in 30 TAC Part 1, Chapter 115, Subchapter C, Division 2.

The TCEQ will be evaluating the Stage II regulations and the State Implementation Plans for possible decommissioning of Stage II systems from all program areas.

Be advised any discretion exercised by the TCEQ is not necessarily representative of any action the EPA may initiate.

Please direct any questions to Scott B. Fisher by calling 800-460-8662, 512-617-4308 or by sending an email to sfisher@tpca.org.

[Forward email](#)



Try it FREE today.

This email was sent to mthompson@ghraonline.com by dedubois@txfoodandfuel.org | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

TPCA | 401 W. 15th Street | Suite 510 | Austin | TX | 78701