

**AIR POLLUTION CONTROL ACT - DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM
GASOLINE-DISPENSING FACILITIES**

Act of Jul. 5, 2012, P.L. 1109, No. 135

Cl. 35

Session of 2012
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SB 1386

AN ACT

Amending the act of January 8, 1960 (1959 P.L.2119, No.787), entitled, as amended, "An act to provide for the better protection of the health, general welfare and property of the people of the Commonwealth by the control, abatement, reduction and prevention of the pollution of the air by smokes, dusts, fumes, gases, odors, mists, vapors, pollens and similar matter, or any combination thereof; imposing certain powers and duties on the Department of Environmental Resources, the Environmental Quality Board and the Environmental Hearing Board; establishing procedures for the protection of health and public safety during emergency conditions; creating a stationary air contamination source permit system; providing additional remedies for abating air pollution; reserving powers to local political subdivisions, and defining the relationship between this act and the ordinances, resolutions and regulations of counties, cities, boroughs, towns and townships; imposing penalties for violation of this act; and providing for the power to enjoin violations of this act; and conferring upon persons aggrieved certain rights and remedies," further providing for the Department of Environmental Protection; and repealing control of volatile organic compounds from gasoline-dispensing facilities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4 heading of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, amended July 9, 1992 (P.L.460, No.95), is amended and the section is amended by adding clauses to read:

Section 4. Powers and Duties of the Department of Environmental [Resources] **Protection.**--The department shall have power and its duty shall be to--

* * *

(18.1) Within sixty (60) days of the effective date of this clause, initiate a review and reevaluation of the State implementation plan. The review shall include alternative mechanisms to 25 Pa. Code Ch. 126 Subch. C (relating to gasoline volatility requirements) which will ensure compliance with this act. The following shall apply to the review:

(i) The department shall conduct meetings to consult with impacted organizations or entities, including gasoline refining and distribution companies, gasoline retailers, pipeline owners, impacted businesses, public utilities, local governments and other interested entities.

(ii) Within three (3) months of the effective date of this clause, the department shall provide updates to the chair and minority chair of the Environmental Resources and Energy Committee of the Senate and the chair and minority chair of the

Environmental Resources and Energy Committee of the House of Representatives. The department shall, on a regular basis, provide updates to the committees.

(18.2) If a supply disruption occurs, the Governor shall submit a request to the Environmental Protection Agency to waive the requirements. As used in this clause, a "supply disruption occurs" when either of the following subclauses apply:

(i) The department learns of a supply disruption of gasoline which would comply with 25 Pa. Code Ch. 126 Subch. C in Allegheny, Armstrong, Beaver, Butler, Fayette, Washington or Westmoreland County; and the supply disruption under this subclause would reasonably qualify for a waiver of the low Reid Vapor Pressure requirements of 25 Pa. Code Ch. 126 Subch. C in accordance with section 211(c)(4)(C)(ii) and (iii) of the Clean Air Act (42 U.S.C. § 7545(c)(4)(C)(ii) and (iii)).

(ii) Five per centum (5%) of all existing gasoline retailers in Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties are unable to obtain an adequate supply of low Reid Vapor Pressure gasoline which complies with the low Reid Vapor Pressure requirements of 25 Pa. Code Ch. 126 Subch. C.

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Section 2. Section 6.7 of the act, added July 9, 1992 (P.L.460, No.95) and repealed in part November 26, 1997 (P.L.530, No.57), is repealed:

[Section 6.7. Control of Volatile Organic Compounds from Gasoline-Dispensing Facilities.--

(h) The department shall implement the functional testing and certification requirements specified in EPA's Stage II enforcement and technical guidance documents developed under section 182 of the Clean Air Act to meet the Clean Air Act requirements for areas classified as moderate, serious, severe or extreme ozone nonattainment.]

Section 3. This act shall take effect immediately.

APPROVED--The 5th day of July, A.D. 2012.

TOM CORBETT