


GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Energy and Environment



**MEMORANDUM**

**TO:** Tommy Wells   
Director

**THRU:** Collin Burrell  
Deputy Director, Environmental Services Administration

Kelly Crawford  
Associate Director, Air Quality Division

**FROM:** Hannah Ashenafi, P.E.  
Chief, Compliance and Enforcement Branch, Air Quality Division

**DATE:** March 8, 2021

**SUBJECT:** Enforcement Discretion Policy for Stage II Vapor Recovery System Requirements

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This memo serves to update DOEE's enforcement policy for installation of Stage II vapor recovery systems at Gasoline Dispensing Facilities (GDFs). DOEE is currently considering a regulation to remove Stage II requirements. Until such a regulation is passed and approved by the Environmental Protection Agency (EPA) as a part of the District's State Implementation Plan (SIP), the existing Stage II requirements remain federally enforceable by EPA. However, DOEE will not be enforcing the requirement to install Stage II vapor recovery systems at gas stations when they install new pumps or replace aging equipment.

**Background**

20 DCMR § 705 provides requirements for Gasoline Dispensing Facilities (GDFs) to install and maintain Stage II vapor recovery systems that utilize vacuum assist or vapor balance processes to reduce emissions of ozone-forming Volatile Organic Compounds ("VOCs"). When the requirement for Stage II vapor recovery systems was originally implemented, these systems provided vital emissions reduction benefits in terms of reductions in VOCs. However, the Stage II vapor recovery systems that use vacuum assist processes no longer provide emission reduction benefits to the District and their use can even result in increased emissions, thus leading to the need to allow for decommissioning of these systems.

Starting with model year 1998 for light duty cars, and model year 2001 for light-duty trucks and most heavy-duty gasoline-powered vehicles, vehicles have had Onboard Refueling Vapor Recovery ("ORVR") systems installed at the time of manufacture. ORVR systems capture the same emissions that Stage II vapor recovery systems do. Since model year 2006, nearly 99% of

all vehicles had ORVR installed. ORVR systems are incompatible with some types of Stage II vapor recovery systems, namely vacuum assist systems. Use of vacuum assist Stage II vapor recovery systems on vehicles with ORVR actually results in increased emissions when refueling occurs. Currently, all of the public GDFs in the District have vacuum assist systems.

On August 7, 2012, the United States Environmental Protection Agency (“EPA”) issued guidance on the removal of Stage II vapory recovery system requirements.<sup>1</sup> In the guidance, EPA showed that, at some point, the use of ORVR systems becomes so widespread that the continued use of vacuum assist Stage II vapor recovery systems has a negative impact on air quality. Preliminary analysis conducted by DOEE has found that a negative impact on air quality due to widespread use of ORVR systems in conjunction with vacuum assist Stage II vapor recovery systems occurred in the District in 2017.

DOEE has received comment from multiple stakeholders indicating that at least one major manufacturer has discontinued vacuum assist vapor recovery system models, therefore making it more costly and cumbersome to comply with the Stage II requirements.<sup>2</sup>

### **Enforcement Discretion Policy**

Pending further notice, DOEE will not be enforcing Stage II requirements for new fill nozzles. However, DOEE’s existing Stage II requirements as outlined in 20 DCMR § 705 remain in place and may still be enforced by EPA. Should DOEE ultimately decide not to implement a regulation to remove the Stage II requirements, facilities that installed new fill nozzles without meeting Stage II requirements may be required to return to compliance and install a retrofit system. Facilities with existing vapor recovery systems, including both vacuum assist and vapor balance systems, must continue to maintain those systems in accordance with 20 DCMR § 705.

For any additional questions regarding Stage II vapor recovery systems, please contact me at [hannah.ashenafi@dc.gov](mailto:hannah.ashenafi@dc.gov).

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<sup>1</sup> H. Lynn Dail and Glenn W. Passavant, *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures*, Research Triangle Park, NC, Guidance Document EPA-457/B-12-001 (Office of Air Quality Planning and Standards, August 7, 2012).

<sup>2</sup> See *Product End of Life Notification* (Gilbarco Veeder-Root, January 4, 2021).