



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 7, 2011
Environment Committee

Testimony Submitted by Acting Commissioner Susan Frechette
Department of Environmental Protection

**Raised House Bill No. 6506 - AN ACT CONCERNING THE MODERNIZATION OF
CERTAIN GASOLINE VAPOR RECOVERY EQUIPMENT**

Thank you for the opportunity to present testimony regarding Raised House Bill No. 6506 – AN ACT CONCERNING THE MODERNIZATION OF CERTAIN GASOLINE VAPOR RECOVERY EQUIPMENT. The Department of Environmental Protection (Department) opposes this bill because it is an unnecessary constraint on the state's ability to meet both current and future federal air quality obligations.

The Department is currently engaged in a detailed study to evaluate Connecticut's gasoline dispensing facility vapor control systems and future program design options. This study is taking a number of important issues into consideration beyond the determination of widespread use. The Department's study is also evaluating the costs, benefits and implications of eliminating or enhancing the existing Stage II program. One aspect of this study will quantify the magnitude of incompatibility between ORVR and vacuum-assist type Stage II systems. This assessment will help the Department understand whether there is an opportunity to address the incompatibility by enhancing the existing Stage II program, and thereby achieve additional cost effective air quality and health benefits.

The Department has relied on Stage II vapor recovery systems at gasoline dispensing facilities since 1994 to reduce emissions of volatile organic compounds and toxic air pollutants, thus providing an important element of our strategies to provide healthy air quality for Connecticut citizens. The Stage II program also has allowed Connecticut to meet important obligations under the federal Clean Air Act (CAA). Stage II systems collect vapors that would otherwise be released during vehicle fueling.

As drafted, this bill would direct the Department to require dispensing facilities in the state to no longer use Stage II gasoline vapor recovery systems upon the earlier of: 1) a U.S. Environmental Protection Agency (EPA) determination of onboard refueling vapor recovery (ORVR) widespread use in the state, or 2) the Department's determination that Stage II systems are less effective than ORVR. The proposed bill acknowledges the fact that the newer fleet of automobiles manufactured since 1996 have been designed to capture the same type of refueling emissions targeted by Stage II systems. However, the bill fails to recognize that Connecticut's air may benefit from continued use of both ORVR and enhanced Stage II systems, and that such use may offer a cost-effective strategy for achieving the air pollution controls necessary to protect public health in the future.

By July 2011, EPA is expected to finalize a new, more stringent ozone standard to protect public health, following a deliberative process of reviewing scientific studies regarding the effects of air pollution on human health. This action by EPA will trigger a requirement that Connecticut identify and implement new strategies to meet more stringent federal standards over the next several years. Therefore, the Department's study will also quantify the difference in emission reduction benefits that will occur for various time periods after ORVR is in widespread use, with and without the elimination or enhancement of the Stage II program, as part of Connecticut's federal obligation to determine how the state will reduce emissions in order to meet the new ozone standard.

In summary, the Department strongly opposes Raised House Bill No. 6506, because this bill would constrain the state's ability to meet its future federal obligations. The bill's first proposal, to eliminate Stage II at the time EPA makes a determination of widespread ORVR use, may jeopardize the federal viability and approvability of Connecticut's ozone air quality state implementation plan because federal law restricts the ability of Connecticut to eliminate existing programs without adopting corresponding new programs that make up any emission reduction shortfall. The bill's second proposal, requiring the elimination of Stage II at the time the Department determines it is less effective than ORVR, does not take into consideration potentially cost effective enhancements to the Stage II program that may be necessary to achieve more stringent federal air quality standards thereby forcing Connecticut to impose more costly measures on other businesses.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@ct.gov.