



House of Representatives

General Assembly

File No. 79

January Session, 2015

Substitute House Bill No. 6730

House of Representatives, March 17, 2015

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ENFORCEMENT OF STAGE I VAPOR RECOVERY RESTRICTIONS AND SULFUR CONTENT REQUIREMENTS FOR DISTILLATE FUELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-174e of the general statutes is amended by
2 adding subsection (e) as follows (*Effective July 1, 2015*):

3 (NEW) (e) (1) If the Commissioner of Energy and Environmental
4 Protection determines that (A) the owner or operator of any gasoline
5 dispensing facility with a stage I vapor recovery system failed to
6 perform the annual pressure decay test of such vapor recovery system,
7 as prescribed in subsection (d) of this section, or (B) a stage I vapor
8 recovery system is not operating in accordance with regulations
9 adopted pursuant to chapter 446c, the Commissioner of Energy and
10 Environmental Protection may prevent the use of such system by
11 placing a disabling device onto the dispenser of a gasoline dispensing
12 facility, provided the commissioner shall give the owner or operator of
13 any gasoline dispensing facility with a stage I vapor recovery system

14 that is not operating in accordance with regulations adopted pursuant
15 to chapter 446c, forty-eight hours' notice prior to placing such
16 disabling device onto the dispenser of a gasoline dispensing facility.
17 Except for the purpose of fully correcting any such violation, as
18 described in subdivision (3) of this subsection, no person or
19 municipality shall remove, alter, deface or tamper with any disabling
20 device placed onto the dispenser of a gasoline dispensing facility by
21 the commissioner pursuant to this subdivision.

22 (2) Not later than two business days after placing a disabling device
23 onto the dispenser of a gasoline dispensing facility pursuant to
24 subdivision (1) of this subsection, the commissioner shall provide the
25 owner or operator of the affected gasoline dispensing facility with an
26 opportunity for a hearing. Any such hearing shall be limited to a
27 determination of whether any of the violations for which the
28 commissioner took action pursuant to subdivision (1) of this
29 subsection occurred and whether any such violation is continuing.

30 (3) A gasoline dispensing facility's dispenser upon which a
31 disabling device is placed pursuant to subdivision (1) of this
32 subsection shall not be put back into service and shall not be used for
33 dispensing gasoline until each of the violations that caused the
34 disabling device to be placed upon such dispenser is fully corrected to
35 the satisfaction of the commissioner. Not later than twenty-four hours
36 after receipt of notification by the owner or operator of such gasoline
37 dispensing facility that each violation was fully corrected, the
38 commissioner shall determine whether each such violation was fully
39 corrected.

40 (4) The owner or operator of a gasoline dispensing facility with a
41 violation described in subdivision (1) of this subsection may return
42 such system to service if the commissioner determines that each
43 violation was fully corrected or the owner or operator provides the
44 commissioner with a written affidavit, as described in subdivision (5)
45 of this subsection. The commissioner shall review the corrective
46 actions specified in such affidavit on the day such system is returned

47 to service or the next business day, in the event such day is a Saturday,
48 Sunday or legal holiday.

49 (5) Any affidavit submitted to the commissioner pursuant to
50 subdivision (4) of this subsection shall fully describe all actions taken
51 to fully correct each of the violations that caused a disabling device to
52 be placed upon such system by the commissioner and shall certify that
53 each such violation was fully corrected before such system was
54 returned to service.

55 Sec. 2. Section 16a-21a of the general statutes is amended by adding
56 subsection (c) as follows (*Effective July 1, 2015*):

57 (NEW) (c) The Commissioner of Energy and Environmental
58 Protection may enforce the provisions of subsections (a) and (b) of this
59 section utilizing the methodologies and standards specified in section
60 22a-174-19b of the regulations of Connecticut state agencies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	22a-174e
Sec. 2	<i>July 1, 2015</i>	16a-21a

Statement of Legislative Commissioners:

In subdivision (1) of subsection (e) of section 22a-174e, "this section" was changed to "chapter 446c" for accuracy.

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill allows the Department of Energy and Environmental Protection (DEEP) to place a disabling device on a gas stations' stage one vapor recovery systems. The agency issues several verbal warnings to incompliant parties before any action is taken. As it is anticipated disabling devices would be used less than five times annually (and the "device" used would be similar to a zip tie) there is no fiscal impact.

The bill also authorizes the DEEP commissioner to enforce the law on sulfur content of home heating oil and off-road diesel fuel by using the methods and standards that regulations on sulfur content for stationary sources establish. As the agency currently employs staff for this purpose, there is no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6730*****AN ACT CONCERNING THE ENFORCEMENT OF STAGE I VAPOR RECOVERY RESTRICTIONS AND SULFUR CONTENT REQUIREMENTS FOR DISTILLATE FUELS.*****SUMMARY:**

This bill establishes a procedure under which the Department of Energy and Environmental Protection (DEEP) commissioner may enforce proper operation of stage I vapor control recovery systems at gasoline dispensing facilities, such as gas stations. Stage I systems prevent the discharge of gasoline vapors into the air when gas is transferred from a delivery vehicle to a facility.

The bill allows the commissioner to place a disabling device on a facility's dispenser to prevent its use if the system (1) was not tested within the past year or (2) is improperly operating. It gives facility owners or operators an opportunity for a hearing.

It prohibits facility owners or operators from putting a dispenser back into service before a violation is corrected. It allows them to return a dispenser to service if (1) the commissioner determines the violation is remedied or (2) they submit a written affidavit certifying each violation is corrected.

The bill also authorizes the DEEP commissioner to enforce the law on sulfur content of home heating oil and off-road diesel fuel by using the methods and standards that regulations on sulfur content for stationary sources establish (Conn. Agencies Reg. § 22a-174-19b). The regulations set procedures for, among other things, (1) seeking to sell or burn fuel with higher sulfur content than allowed by law, (2) determining compliance with the sulfur content standards, and (3) recordkeeping and reporting.

EFFECTIVE DATE: July 1, 2015

STAGE I SYSTEM ENFORCEMENT

Disabling Device

Under the bill, the commissioner may place a disabling device on a facility's dispenser if he determines the (1) facility's owner or operator failed to perform the annual pressure decay (integrity) test of the vapor recovery system, as required by law, or (2) system is not operating as required by agency regulations (Conn. Agencies Regs. § 22a-174-30). For the latter, he may only do so after giving the owner or operator 48 hours' notice.

The bill prohibits removing, altering, defacing, or tampering with a disabling device, except to correct a violation. The facility must correct all violations that caused a disabling device to be placed on a dispenser, to the commissioner's satisfaction, before the dispenser is put back into service or used to dispense gasoline.

Hearing

The bill affords the owner or operator of a facility with a disabling device placed on its dispenser the opportunity for a hearing. But it limits the hearing's purpose to determining whether a violation occurred and if it continues. The hearing must be held within two business days after the commissioner places the device on the dispenser.

Return to Service

Under the bill, a facility owner or operator may return a system to service if he or she:

1. notifies the commissioner each violation was fully corrected and the commissioner agrees or
2. provides the commissioner with a written affidavit (a) fully describing the actions taken to correct each violation that caused the device to be placed on the system and (b) certifying that each violation was corrected before returning the system to

service.

The bill requires the commissioner to determine whether a violation was corrected within 24 hours after receiving notice of the correction from the owner or operator. If an owner or operator submits the affidavit, the commissioner must review the corrective actions on the day the system is returned to service or on the next business day, if it is returned to service on a weekend or legal holiday.

BACKGROUND

Oil and Fuel Sulfur Content

By law, until June 30, 2018, the maximum sulfur content allowed in number two heating oil is 500 parts per million (ppm) (0.05%) by weight. After that date, it declines to 15ppm (0.0015%). The maximum sulfur content in number two off-road diesel fuel is 0.3% by weight. These amounts apply to fuel sold, offered for sale, distributed, or used in Connecticut. The commissioner may suspend these requirements in an emergency (CGS § 16a-21a).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (02/27/2015)