

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY OHIO E.P.A.

SEP 30 2013

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Extending the Compliance Date : Director's Final Findings  
For the Installation of : and Orders  
Low Permeation Hoses :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

III. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Ohio EPA's gasoline dispensing facility rules for Stage II vapor control systems are listed in Ohio Administrative Code ("OAC") Chapter 3745-21-09(DDD). The most recent revisions to these rules were effective on April 29, 2013.
2. Under these rules, a "new gasoline dispensing facility" is exempt from having to install a Stage II vapor control system if the gasoline dispensing facility complies with the requirements listed in OAC Rule 3745-21-09(DDD)(4)(g). As part of these requirements, the "new gasoline dispensing facility" is required to install low permeation hoses by October 1, 2013 or within thirty days of starting operations, whichever occurs later.
3. OAC Rule 3745-21-09(DDD)(5)(c) states, in part, that the Director may extend the compliance date in paragraph (DDD)(4)(g)(ii) to install low permeation hoses, if the director determines that the equipment is not readily available or if the equipment does not adequately control permeation.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [Signature] Date: 9-30-13

4. As of September 20, 2013, the two main manufactures who are going to be producing the low permeation hoses had yet to receive final certifications from the Underwriters Laboratories; therefore, the Director has determined that low permeation hoses will not be readily available by October 1, 2013.

5. On September 5, 2013, Ohio EPA put out for public comment, draft rule language for OAC Rule 3745-21-09(DDD) which would require gasoline dispensing facilities to start decommissioning the Stage II vapor control systems beginning January 1, 2014 (or the effective date of the rule). The proposed rule language would also require these gasoline dispensing facilities to install low permeation hoses prior to dispensing gasoline after the decommissioning has been completed.

#### **IV. ORDERS**

The Director hereby issues the following Orders:

1. The October 1, 2013 compliance date for the installation of low permeation hoses as listed in OAC Rule 3745-21-09(DDD)(5)(c) is hereby extended to April 1, 2014.

2. If the September 5, 2013 proposed rule language goes final and is effective before April 1, 2014, the Director hereby extends the deadline for the installation of low permeation hoses under the revised rule also until April 1, 2014.

#### **V. TERMINATION**


These Orders will self-terminate on April 2, 2014.

#### **VI. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
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Scott J. Nally  
Director

9/27/13  
\_\_\_\_\_  
Date