
Webinar: Air Permitting Requirements for Gas Stations on Tribal Lands in Region 9



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Air Permits Section, Air & Radiation Division

U.S. EPA Region 9



Overview

- Introductions
- Air permitting basics
- Registration or permit?
- Emission Calculations
- What if I didn't register or get a permit?
- Types of permits for gas stations
- What to expect in the permitting process
- Compliance Phase
- Questions



Introductions

- **Region 9's Air Permits Section, Air & Radiation Division**
 - Lisa Beckham
 - Khoi Nguyen
 - Sheila Tsai
 - Darcy Emm (ITEP summer intern)

- **Region 9's Grants & Program Integration Office, Air & Radiation Division**
 - Lauren Maghran



Air Permitting Basics

- What is an air permit?
- New Source Review (NSR) is the preconstruction permitting program under the Clean Air Act for stationary sources of air pollution
- Requirements vary based on size and location of the air pollution source
- Requires certain air pollution sources to be reviewed and receive a permit prior to construction
- Ensures that increasing air pollution will not interfere with attainment and maintenance of the National Ambient Air Quality Standards (NAAQS)



Air Permitting Basics

- EPA's NSR program for minor air pollution sources in Indian country is generally referred to as the "Tribal Minor NSR" program. (Gas stations are usually minor sources.)
- Tribal Minor NSR program requirements for new/modified sources
 - Requires a control technology review
 - Air quality impact analysis
- The control technology review and air quality impact analysis are independent requirements
- Local air quality conditions influence required air pollution control technologies (nonattainment status)



Air Pollution from Gas Stations

- The pollutant of concern for gas stations is typically volatile organic compounds (VOC)
- What are the minor NSR permitting/registration thresholds for VOC?
 - In ozone **attainment** areas, potential VOC emissions of **5 tons per year (tpy) or more**
 - In ozone **nonattainment** areas, potential VOC emissions of **2 tpy or more**



Air Permitting Basics

- Existing minor sources of air pollution need to register with Region 9, Air Permits Section
 - No cost, complete form
- New or modified minor sources need NSR permit
- Am I existing, new, or modified?
 - An existing source commenced construction before September 4, 2014.
 - A new source is any source that will commence construction on or after September 4, 2014
 - A modified source is any new or existing source that modifies (aka “expands”) a registered or permitted source on or after September 4, 2014.



Does my gas station need to register?

- Did you commence construction of your gasoline dispensing facility (GDF) (aka “gas station”) prior to September 4, 2014?
 - If yes, maybe, see next question
 - If no, no, but may need a permit
- Will your gas station have potential emissions of NSR pollutants above the minor NSR permitting thresholds?
 - If yes, you need to register, contact Region 9 for form/assistance
 - If no, you do not need to do anything, **except** continue to comply with National Emission Standards for Hazardous Air Pollutants (NESHAP) for gas stations, as applicable, [40 CFR part 60, subpart CCCCCC](#)



Does my gas station need a permit?

- Did you commence construction your gas station on or after September 4, 2014 or are planning to build one in the future?
 - If yes, maybe, see next question
 - If no, see registration requirements
- Will your gas station have potential emissions of NSR pollutants above the minor NSR permitting thresholds?
 - If yes, you need a permit, contact Air Permits Section for further assistance in submitting an application
 - If no, you do not need to do anything, **except** continue to comply with National Emission Standards for Hazardous Air Pollutants (NESHAP) for gas stations, as applicable, [40 CFR part 60, subpart CCCCC](#)



How do I calculate my emissions?

- EPA Region 9 has an Excel spreadsheet to help you calculate your potential to emit (PTE) – “GDF PTE Calculator”
 - Assume year is 2014 for registrations
- You need to know the number and type of pumps at the gas station
 - Number of refueling positions (usually 2 per pump for regular autos and 1 for heavy duty diesel pumps)
- Also need to know whether the gas station has an emergency generator and the size (brake horsepower rating)
- Air Permits Section can walk you through the spreadsheet over the phone, usually only takes 5 minutes



What if I didn't register or get a permit?

- Existing gas stations were required to register in 2014
 - If you have not submitted your registration – please submit it now!
 - We use our database of registered sources for air planning purposes
- New or modified gas stations that need permits
 - Please apply for a permit now!
 - The NSR program is a **preconstruction** program. Permits are supposed to be in place prior to construction activities.
- Enforcement discretion



I need a permit, now what?

- **START THE PERMITTING PROCESS ASAP**
 - When a permit application is approved you have **18 months** to commence construction before the authorization to construct expires
 - Better to have in place early then having to delay construction while waiting for a permit
- Three permitting options for gas stations in Region 9
 - GDF Permit by Rule – available to gas stations outside of California
 - GDF General Permit – available to gas stations within California
 - Site-specific permit – available in all areas, permit tailored to the specific equipment at your gas station



GDF Permit by Rule

- National option, but excludes areas within California due to air quality issues
- Referred to as “notice and go” – agree to comply with requirements in [40 CFR 49.164](#), no public comment period
- What does it require?
 - Requirements based on the National Emission Standards for Hazardous Air Pollutants (NESHAP) for gas stations – [40 CFR part 63, subpart CCCCCC](#)
 - Stage I controls – related to gasoline storage tanks and unloading gasoline from delivery truck into tanks
 - Ongoing monitoring, testing, recordkeeping and reporting requirements



California GDF General Permit

- Developed by Region 9 for gas stations in California, as GDF Permit by Rule excludes areas within California
- Application requires additional review prior to approval compared to the GDF Permit by Rule, no public comment period



GDF General Permit

- What does it require?
 - Ozone attainment areas – requirements the same as the GDF Permit by Rule
 - Marginal or moderate ozone nonattainment areas – requirements the same as the GDF Permit by Rule
 - Serious, severe, or extreme ozone nonattainment areas – includes requirements from the GDF Permit by Rule, but also adds:
 - 98% control requirement for Stage I systems
 - Stage II controls on the pumps (CARB-certified equipment)
 - Additional monitoring and testing requirements



GDF General Permit

- Tribal sovereignty and adopting California requirements
 - The California GDF General Permit incorporates by reference CARB requirements for those gas stations required to use stage II controls.
 - Incorporation by reference does not give California any rights to regulate tribes in California
 - For example, if California changes its program those changes have no affect on a gas station covered by the GDF General Permit. Only the EPA can revise the requirements in the permit.
 - The national Permit by Rule also uses incorporation by reference for test methods that have been developed by California air agencies.



Site-Specific Permits

- This is the standard permitting process for most commercial/industrial sectors across the country
- Requires a public comment period
- Tailored to the specific source; permit by rule/general permit are pre-determined permit conditions
- When would I use this for my gas station?
 - You do not meet the requirements for a permit by rule or general permit (e.g., will dispense more gasoline than allowed)
 - Unique air quality considerations related to ozone nonattainment status



Permitting Process

- Complete an application form (Notice of Coverage, Request for Coverage, General Application Form)
 - Include your emission calculations! – GDF PTE Calculator
- Meet the endangered species and cultural resources/historic properties requirements
 - Often these requirements are also done through a BIA lease process and can be used for the EPA process
 - Must be tailored to the gas station project.
 - If no BIA process required, does not relieve you from meeting these requirements for EPA purposes
 - Often the HARDEST part of the permitting process



Permitting Process

- Key difference between species requirements and cultural resources: U.S. Fish & Wildlife is the agency protecting species, THPO for cultural resources
- Cultural resources – be sure to include any cultural resource monitoring agreements in the application
- Endangered species – typically more challenging analysis, many applicants hire a consultant to conduct a biological assessment
- We welcome “draft” applications being submitted in advance so we can review/comment and speed up the process when the official application is received.



Compliance Phase

- Read the permit and conditions during the application process; please ask questions
- Requirements do not stop once the permit is issued/approved
- Ongoing monitoring, testing, recordkeeping, and reporting for the life of the gas station
- Plan for resources to ensure ongoing compliance



Compliance Phase

What are your questions and concerns regarding compliance?



One last item...

Requirements related to gasoline sold:

- Federal law requires gas stations in severe and extreme ozone nonattainment areas to sell fuel that complies with the EPA's reformulated gasoline standards (RFG)
- California RFG meets federal RFG
- Everyone else can use conventional gasoline



Web Links

Main Region 9 Tribal NSR page: <https://www.epa.gov/caa-permitting/tribal-minor-new-source-review-permitting-epas-pacific-southwest-region-9>

Pending and issued Region 9 Tribal NSR permits: <https://www.epa.gov/caa-permitting/tribal-new-source-review-permits-epas-pacific-southwest-region-9>

California GDF General Permit page: <https://www.epa.gov/caa-permitting/permits-gas-stations-tribal-lands-california>

GDF Permit by Rule page: <https://www.epa.gov/tribal-air/5-source-categories-gasoline-dispensing-facilities-final-rule>



Web Links

GDF PTE Calculator v2.0:

<https://www.regulations.gov/document?D=EPA-R09-OAR-2016-0580-0038>

California GDF General Permit Request for Coverage:

<https://www.regulations.gov/document?D=EPA-R09-OAR-2016-0580-0026>

Registration Form:

<https://www.epa.gov/caa-permitting/region-9-tribal-minor-nsr-form-existing-source-registration-form-reg>



Questions and Contact Info

Gas Station contacts in the Air Permits Section:

Lisa Beckham

(415) 972-3811

Beckham.Lisa@epa.gov

Sheila Tsai

(415) 972-3328

Tsai.Ya-Ting@epa.gov

Khoi Nguyen

(415) 947-4120

Nguyen.Thien@epa.gov



Permitting Thresholds – **Minor** Source

Pollutant	Attainment Area (tons per year)	Nonattainment Area (tons per year)
Carbon Monoxide (CO)	10	5
Particulate Matter (PM)	10	N/A
Particulate Matter (PM ₁₀)	5	1
Particulate Matter (PM _{2.5})	3	0.6
Sulfur Dioxide (SO ₂)	10	5
Nitrogen Oxides (NO _x)	10	5
Volatile Organic Compounds (VOC)	5	2



Permitting Thresholds – Major Source

Pollutant	Attainment Areas	Nonattainment Areas	
		Designation	Threshold
Ozone (NO _x and VOC)	250 or 100 tpy (based on type of source)	Marginal	100 tpy of VOC or NO _x
		Moderate	100 tpy of VOC or NO _x
		Serious	50 tpy of VOC or NO _x
		Severe	25 tpy of VOC or NO _x
		Extreme	10 tpy of VOC or NO _x
PM ₁₀ , PM _{2.5}	250 or 100 tpy	Moderate	100 tpy
		Serious	70 tpy
CO	250 or 100 tpy	Moderate	100 tpy
		Serious	50 tpy
SO ₂ , NO ₂	250 or 100 tpy	N/A	100 tpy