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## STAGE II

### BACKGROUND

In 1994, EPA adopted regulations requiring certain gasoline retailers to install costly vapor recovery equipment. This is often referred to as Stage II controls. EPA adopted these regulations as a bridge to a future time when vehicles would be equipped with onboard vapor control canisters (ORVR).

Section 182(b)(3) of the Clean Air Act (CAA), 42 U.S.C. 7511a(b)(3), requires the Stage II vapor recovery program for “moderate” or worse ozone national ambient air quality standards (NAAQS) nonattainment areas. The law specifically allows EPA to revise or waive the Stage II control requirements for “serious” or worse ozone nonattainment areas after EPA determines that ORVR control systems are in “widespread use” throughout the motor vehicle fleet.

As new gas stations are being built today in “serious” non attainment areas, retailers are being required to invest significant sums to install Stage II equipment which will likely be useless in the very near future as ORVR nears widespread use. This appears to be a wasteful misuse of retailer funds which could be used for a myriad of other construction improvements and reducing consumer prices.

As we have seen with the repeal of Stage II in Florida, Maine and Vermont and with the recent Resolutions adopted by the legislatures in Massachusetts and New Hampshire (and on the verge of being adopted in Rhode Island), a number of state environmental officials believe Stage II costs can no longer be justified. However, they cannot move forward until EPA defines ORVR “widespread use.” The air quality directors from the eight states that make-up NESCAUM (The Northeast States for Coordinated Air Use Management) have requested repeatedly since 2001 for EPA to supply this definition.

### “THE ASK”

PMAA is asking Members of Congress to send letters to EPA Administrator Lisa Jackson asking that she elevate the priority of publishing a widespread use definition. The lack of action at EPA on this matter perpetuates wasteful spending on an obsolete technology.

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