MEMORANDUM

TO: Dr. Bill Paul

FROM: John Finke

DATE: May 5, 2015

SUBJECT: Requests for variances from the Stage II requirements of Metro Public Health Department, Pollution Control Division's Regulation No. 7, "Regulation for Control of Volatile Organic Compounds"

In April, the Pollution Control Division received three requests for variances from the Stage II requirements of Regulation No. 7, "Regulation for Control of Volatile Organic Compounds." The requests are for the following sites:

- Kroger Fuel Center, 123G Northcreek Blvd., Goodlettsville, TN;
- Mapco Express, Murfreesboro Pike and Hobson Pike, Antioch, TN; and
- Mapco Express, Robinson Road and Merritt Street, Old Hickory, TN

These facilities will be new sites. Their contention is that the installation of Stage II vapor recovery is economically burdensome since the equipment will be removed in the near future and replaced with standard dispensers. The Pollution Control Division is currently working with Tennessee Department of Environment and Conservation and the Environmental Protection Agency to phase out the Stage II Vapor Recovery regulations. Until that time, I am in favor of granting variances for these new facilities.

Section 10.56.130 "Variances – Hearing Procedure" of Chapter 10.56 "Air Pollution Control" of the Code states, in part, "the Board shall grant a public hearing for a variance request not later than sixty days after receipt of a recommendation from the Director." Therefore, I am recommending that this matter be placed on the May 14, 2015, Board agenda. At that time, the Board will be requested to establish a hearing date for the variance requests. The earliest Board meeting that could allow for adequate public notice would be the June 11, 2015 meeting.

cc: Sanmi Areola
Josh Lee, Metro Legal