

AIR MANAGEMENT PROGRAM FACT SHEET



Wisconsin HAPs Rule Requirements for Gasoline Dispensing Facilities

July 2022

Chapter NR 445 of the Wisconsin Administrative Code sets health-based thresholds for the emissions of hazardous air pollutants (also called HAPs or air toxics). Wisconsin facilities are required to control HAP emissions when uncontrolled emissions have the potential to exceed these thresholds. This fact sheet explains the NR 445 requirements for gasoline dispensing facilities.

Which gasoline dispensing facilities are affected by NR 445?

All gasoline dispensing facilities are affected unless they meet an exemption. Gasoline dispensing facilities are exempt from NR 445 rule requirements based on annual gasoline throughput and county location:

- Facilities located in counties where Stage I vapor recovery systems are required are exempt if they dispense **less than 2 million gallons of gasoline per year** (not including diesel fuel).
- Facilities located outside counties where Stage I vapor recovery systems are required are exempt if they dispense **less than 1.25 million gallons of gasoline per year** (not including diesel fuel).

Stage I systems are required in Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago counties.

Exempt facilities should keep monthly records to demonstrate they are exempt from NR 445 requirements.

What are the requirements for facilities affected by NR 445?

Affected facilities with emissions of a HAP above the NR 445 threshold must reduce or control the emissions of that HAP. The DNR has calculated that under current conditions, gasoline dispensing facilities that **dispense less than 11.6 million gallons of gasoline per year** will not exceed the NR 445 emissions thresholds for any HAP.

- If a gasoline dispensing facility anticipates dispensing more than 11.6 million gallons of gasoline per year, emissions from the facility must be controlled using Lowest Achievable Emission Rate (LAER) technology standards. Facilities must propose appropriate LAER controls for DNR approval.
- Contact the gas station topic expert through the [DNR Staff Directory - Wisconsin DNR](#) and search “gas stations.”

Currently, facilities that dispense more than the exemption levels stated above **but less than 11.6 million gallons** of gasoline per year do not need LAER controls. These **facilities must certify** that throughput will remain below 11.6 million gallons in any 12 consecutive months by submitting a notification letter to the DNR. A sample notification template is available from the Small Business Environmental Assistance Program (SBEAP), publication [SB201f](#).

The notification letter should be sent to:

Attn: Gas Station NR 445 Certification
Wisconsin DNR – Air Management Program (AM/7)
PO Box 7921
Madison, WI 53707-7921

To demonstrate that gasoline throughput continues to stay below the 11.6 million gallons threshold, facilities should keep throughput records on a monthly basis. Total throughput should be calculated and recorded for each consecutive rolling 12-month period.

If throughputs ever increase such that a facility expects to dispense more than 11.6 million gallons of gasoline per year, the facility will need to propose and implement LAER prior to going over that amount. Contact the Air Management Program gas station topic expert for more information on how to proceed.

Why do the NR 445 exemption levels differ from the LAER threshold?

NR 445 requires facilities to control HAP emissions when they have the potential to exceed the emissions thresholds established in the rule. When the rule was promulgated, gasoline dispensing facilities would likely exceed the emissions threshold for one or more HAPs if their gasoline throughput exceeded the exemption levels. However, HAP emissions from gasoline dispensing facilities have since decreased due to a number of federal requirements. The results of these requirements include:

- Lower benzene content in gasoline.
- The widespread use of onboard vapor recovery (ORVR) systems on motor vehicles. These systems control the release of gasoline vapors when the vehicle's gasoline tank is being filled.
- Large gasoline dispensing facilities operate vapor balance systems (which are similar to Stage I vapor recovery systems required in some Wisconsin counties).

For these reasons, a facility whose throughput exceeds the relevant exemption level would not exceed the emissions threshold for any HAP if it dispenses less than 11.6 million gallons of gasoline per year. The facility would comply with NR 445 without installing additional controls.

Do other air pollution requirements apply?

Yes. Wisconsin gasoline dispensing facilities may be subject to other requirements:

- **Stage I vapor recovery requirements** contained in s. NR 420.04(3), Wis. Adm. Code. These requirements are administered by the DNR and affect gasoline dispensing facilities located in 20 Wisconsin counties (listed above). Non-exempt facilities in these counties must install and maintain Stage I vapor recovery systems. (Note: facilities may now remove or decommission Stage II vapor recovery systems if proper procedures are followed. For more information, refer to the DNR Stage II Decommissioning Factsheet [[AM-492](#)].)
- **Air emissions inventory and reporting** requirements in s. NR 438.03, Wis. Adm. Code. Facilities with emissions above thresholds in chapter NR 438 must report to the DNR by March 1 the total emissions for the previous calendar year for each air pollutant above a threshold. Gas stations with fuel throughput over 3.99 million gallons per year will be above the reporting threshold for volatile organic compounds and should complete a report. Find out more by going to the [Air Emissions](#) webpage.
- **Regulations for flammable, combustible and hazardous liquids** contained in ch. ATCP 93, Wis. Adm. Code. This rule is administered by the Department of Agriculture, Trade and Consumer Protection (DATCP) and regulates gasoline storage tanks and associated piping.

- **National emission standards for hazardous air pollutants for gasoline dispensing facilities** contained in 40 CFR part 63, subpart CCCCCC. This rule is administered by the U.S. Environmental Protection Agency (EPA) and regulates vapor control during the filling of gasoline storage tanks. Large facilities are required to install and operate vapor balance systems.

For information and updates on state and federal regulations affecting gas stations, refer to the [SBEAP gas station](#) webpage. The webpage provides links to relevant regulatory documents, forms and a compliance calendar for gasoline dispensing facilities. The compliance calendar, sent by the SBEAP to gas stations every two years, contains factsheets summarizing the state and federal requirements listed above.

For more information:

- Contact the Air Management Program gas station topic expert, by searching “gas stations” on the [DNR staff directory](#).
- Additional resources are found on the [Gas Station](#) webpage.
- Contact the SBEAP at DNRsmallbusiness@wisconsin.gov or 1-855-889-3021.

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