

'Topping off' to be prohibited

BETH CASPER Statesman Journal

January 10, 2009

New state regulations to reduce gasoline vapors are causing some gas-station owners to fume while environmentalists and public-health advocates celebrate the decisions.

Adopted in December and effective July 1, the rules will ban station attendants from "topping off" vehicle gas tanks when filling up.

The new rules also will require the use of vapor-reducing equipment — similar to what already is in place in Portland, Salem and Medford — when delivery trucks refill a station's storage tanks, which usually are underground. That rule applies only to stations that sell at least 40,000 gallons of gas per month.

"In terms of protecting children's health, when it comes to air pollution, we can't always see what is harmful," said Lisa Arkin, the executive director of the Oregon Toxics Alliance. "It does take educating the public to do the right thing."

Topping off a vehicle's tank can cause gasoline to spill, releasing carcinogens such as benzene into the air.

Benzene has been linked to leukemia. In fact, children living near gas stations have higher rates of leukemia, Arkin said.

The same problems can occur when storage tanks are filled. Using vapor-recovery equipment when pumping fuel into the tanks can decrease toxic emissions 95 percent.

Oregon's new standards are aimed at reducing emissions of benzene by an estimated 28 tons per year and volatile organic compounds by an estimated 1,610 tons per year. They are tougher than current federal standards, which do not address topping off at the pump and apply only to facilities that dispense at least 100,000 gallons per month.

Part of the reason for the stricter rules is that the levels of benzene statewide are higher than the levels deemed safe. Portland, for example, has benzene levels that are 20 to 40 times higher than federal health standards. Benzene is released from many sources, including wildfires.

"For most of the state, we are over levels deemed to be protective of public health for benzene," said Gerald Ebersole, a hazards-air-pollutant specialist for the Oregon Department of Environmental Quality. "There are very few things left to do to get benzene levels down, and one of those is to address gas stations."

The rules have some gas-station owners wondering whether they can stay in business and exactly how the state DEQ defines "topping off."



THOMAS PATTERSON | Statesman Journal

Regulations that will take effect July 1 ban "topping off" at Oregon gas stations.

How to report

Customers can call their local Department of Environmental Quality office with complaints about attendants topping off their gas tanks after July 1.

"What (the rules do) is put an additional cost factor onto small-volume stations in rural Oregon that already have to be higher-priced to pay the costs of keeping their doors open," said Paul Romain, the executive director of the Oregon Petroleum Association. "This hits rural Oregon."

Presumably, the ban on topping off means that once a pump's nozzle has clicked off automatically, the attendant is prohibited from filling that vehicle's tank further.

Brent DeHart, the owner of a Shell station on Mission Street SE, said he is dismayed because the term "topping off" is unclear.

"We make a distinction between rounding and topping," he said. "And every car is different, and every nozzle is different. Some nozzles switch off at different times."

He also said that nozzles can click off when filling some trucks even though the tank is 4 or 5 gallons short of full.

"It may be one of these well-intentioned regulations that may be difficult to implement and difficult to enforce," he said.

DEQ officials agree that the term "topping off" is unclear and that enforcement will be close to impossible.

"We won't be able to really determine compliance on a continued basis," Ebersole said. "We inspect gas stations once every three years. During the inspection, we will observe operators."

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Rules target air pollution at the pump