

COMPLIANCE BULLETIN

APRIL 9, 2008

NEW FEDERAL VAPOR EMISSION REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES, BULK PLANTS AND LOADING RACKS

BACKGROUND: The U.S. EPA issued a final rulemaking in January that requires installation of Stage I vapor balancing equipment at gasoline dispensing facilities with certain throughput thresholds for gasoline. The rule also requires vapor control methods for bulk plants and loading racks. The final rule can be found at: <http://www.epa.gov/ttn/atw/area/arearules.html> Scroll down to Rules/Notices, Download January 10, 2008 PDF document.

This Compliance Bulletin covers bulk plants and loading racks with daily gasoline throughput of 20,000 gallons or less and all gasoline stations. This Stage I rule does not apply to tanks under 250 gallons capacity. If your daily throughput of gasoline at bulk plant and loading rack is greater than 20,000 gallons please refer to the final rule at the link above for further compliance information.

Petroleum Marketers are **strongly urged** to contact a Stage I vendor or professional engineer to assist in the implementation of the technical requirements of this rule.

Petroleum marketers whose facilities were built after November 9, 2006 and which meet gasoline throughput thresholds should focus on immediate compliance. Petroleum marketers whose facilities were built on or before November 9, 2006 and which meet gasoline throughput thresholds should focus on submitting either the *Initial Notification* form or *Notification of Compliance Status* form by 5/09/08. In most cases, compliance with the technical aspects of the Stage 1 rule for **these** facilities are not required until January 10, 2011.

COMPLIANCE DATES: Gasoline stations, bulk plants and loading racks commencing construction after November 9, 2006 must meet the new vapor emission requirements at start-up or by January 10, 2008, whichever is later. Gasoline stations, bulk plants and loading racks **existing** on or before November 9, 2006 must comply with the new vapor balancing requirements by January 10, 2011. Submission of *Initial Notification* forms for applicable gasoline stations, bulk plants and loading racks must be submitted to state and federal regulatory authorities by 05/09/08.

BULK PLANT AND LOADING RACK COMPLIANCE REQUIREMENTS:

Bulk plants and Loading Racks with a Gasoline Throughput of Less Than 20,000 Gallons of Gasoline Per Day -

- **Submerged Fill Pipes Installed after November 9, 2006** - Bulk plants and loading racks are already in compliance with the rule if submerged fill pipes were installed after November 9, 2006 and discharge no more than 6-inches from the bottom of the storage compartment. Owners and operators of these facilities **are not** required to retrofit tanks. Instead, these facilities need only follow the vapor management practices listed below.
- **Submerged Fill Pipes Installed on or Before November 9, 2006** - Bulk Plants and Loading Racks are already in compliance with the rule if the submerged fill pipe was installed **on or before** November 9, 2006 and discharge no more than 12-inches from the bottom of the storage compartment. Owners and Operators of these facilities are not required to retrofit storage

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tanks. Instead, these facilities need only follow the vapor management practices listed below.

- **Noncompliant or Nonexistent Submerged Fill Pipes** - All other bulk plants with a gasoline throughput of less than 20,000 gallons of gasoline **per day** must be retrofitted with a submerged fill pipe that discharges no more than 6-inches from the bottom of the tank by January 10, 2011.

Vapor Emission Management Practices -

- Perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound and smell are acceptable.
- A log-book shall be used and signed by the owner or operator at the completion of each monthly inspection. The log-book must contain a list, summary description or diagram showing the location of all equipment in gasoline service at the facility.
- Each detection of a liquid vapor leak must be recorded in the log-book.
- When a leak is detected an attempt at repair must be made as soon as practicable. But no later than 5-days after discovery.
- Repair or replacement of leaking equipment must be completed within 15 days of discovery.
- Delay in repair of leaking equipment is allowed if the repair is not feasible within 15 days.
- Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time.
- Proper handling measures to prevent such releases include.
- Minimize gasoline spills.
- Clean-up spills as quickly as possible.
- Cover open gasoline storage tank fill pipes with a gasketed seal when not in use.

Reporting Requirements - The new rule requires bulk plant and loading rack owners and operators to submit an *Initial Notification* form and *Notice of Compliance Status* form (attached below) to the EPA and delegated state authorities under certain circumstances.

When No Reporting is Required - Bulk plants and loading racks with a gasoline throughput of less than 20,000 gallons of gasoline per day **and** operating under a state, local or tribal rule that requires submerged fill pipes **are not** required to submit *Initial Notification* or *Notification of Compliance Status* forms.

When Reporting is Required -

- If a state, local or tribal authority **does not** mandate submerged fill pipes, but where a bulk plant or loading rack with less than 20,000 gallons per day throughput of gasoline,

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meets either the 12-inch discharge standard for fill pipes installed on or before 11/9/6 or the 6-inch discharge standard for fill pipes installed after November 9, 2006, then submission of an *Initial Notification* form is not required. Instead, a *Notification of Compliance Status* form **must be** submitted no later than 5/9/08.

- For bulk plants and loading racks with less than 20,000 gallons per day throughput of gasoline, that are not equipped with submerged fill pipes, or equipped with fill pipes that discharge in ways not permitted under the new rule, an *Initial Notification* form must be submitted by 5/9/08. Installation of a submerged fill pipe that discharges no more than 6-inches from the bottom of the tank must be installed and *Notification of Compliance Status* submitted by January 10, 2011.

GASOLINE STATION COMPLIANCE REQUIREMENTS:

Gasoline Stations with Gasoline Throughput Less Than 10,000 Gallons Per Month -

- **Use Management Practices to Control Vapor** - Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Proper handling measures to prevent such releases include; Minimize gasoline spills; clean-up spills as quickly as possible and cover open gasoline storage tank fill pipes with a gasketed seal when not in use.
- **EPA Reporting** - Notification reports for these gasoline facilities **are not** required but, records documenting that gasoline throughput is less than 10,000 gallons per month must be made available within 24 hours upon request.

Gasoline Stations With Gasoline Throughput of 10,000 Gallons or More Per Month -

- **Use Management Practices to Control Vapor** - Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Proper handling measures to prevent such releases include; Minimize gasoline spills; clean-up spills as quickly as possible and cover open gasoline storage tank fill pipes with a gasketed seal when not in use.
- **Submerged Fill Pipes** - For tanks greater than or equal to 250 gallons, gasoline must be loaded using submerged fill pipes. Submerged fill pipes installed on or before November 9, 2006 must discharge no more than 12 inches from the bottom of the tank. Submerged fill pipes installed after November 9, 2006 must discharge no more than 6 inches from the bottom of the tank.
- **EPA Reporting Requirements** - Submit an *Initial Notification* to the EPA Regional Office with authority over the facility and to the state delegated authority no later than 5/09/08. A sample *Initial Notification* is provided below.

Gasoline Stations With Gasoline Throughput of 100,000 Gallons or More Per Month:

- **Submerged Fill Pipes** - For tanks greater than or equal to 250 gallons, gasoline must be loaded using submerged fill pipes. Submerged fill pipes installed on or before November 9, 2006 must be no more than 12 inches from the bottom of the tank. Submerged fill pipes installed after November 9, 2006 must discharge no more than 6 inches from the bottom of the tank.

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- **Use Management Practices to Control Vapor** - Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Proper handling measures to prevent such releases include; Minimize gasoline spills; clean-up spills as quickly as possible and cover open gasoline storage tank fill pipes with a gasketed seal when not in use.
- **Vapor Balance Control** - Operate a vapor balance system that meets one of the criteria below:
 1. Operate a vapor balance system installed **prior to January 10, 2008** that meets an enforceable state or local rule or permit that either achieves an emission reduction of at least 90 percent. **Or**
 2. Operate a vapor balance system during storage tank loadings using the following management practices;
 - Connections and lines equipped with seal closures;
 - Vapor tight lines used from storage tank to cargo tank;
 - Cargo tank settings remain below specified settings;
 - Designed to prevent over tight/loose connections;
 - Gauge well provided with submerged drop tube extending specified distance (12 inches for pipes installed on or before November 9, 2006; 6 inches for pipes installed after November 9, 2006;) from tank bottom;
 - Use vapor tight caps for liquid fill connections;
 - Install pressure/vacuum vent valves on tank vent pipes at specified settings and test initially and every three years thereafter;
 - Vapor balance system must meet static pressure test initially and every three years; and
 - Dual point (no coaxial) vapor balance systems for new/reconstructed gasoline distribution facilities.
 3. Vapor balance system demonstrated to achieve an emission reduction of 95 percent or better.
- **EPA Reporting Requirements** - Submit an *Initial Notification* to the EPA Regional Office with authority over the facility and to the state delegated authority no later than May 9, 2008. A sample *Initial Notification* is provided below.
- **Testing and Monitory Requirements** - Vapor monitory systems must be tested upon installation and every three years thereafter. Technical testing and monitoring requirements can be found in Section 63.11120 of the rule (find rule at link above).

Got Questions? Contact Mark S. Morgan, Esq. @mmorganpsta@cox.net

SEE EPA NOTIFICATION FORMS BELOW

**Initial Notification/Notification of Compliance Status Report for
Gasoline Dispensing Facilities**

**NOTIFICATION TO MEET THE REQUIREMENTS OF 40 CFR 63 Subpart CCCCC,
Section 63.11124(a) or (b) and 40 CFR 63 Subpart A, Section 63.9(b)**

GENERAL INFORMATION

Print or type the following information for each facility for which you are making initial notification:

Operating Permit Number (OPTIONAL)		Facility I.D. Number (OPTIONAL)	
Responsible Official's Name/Title			
Street Address			
City	State	ZIP Code	
Facility Name (if different from Responsible Official's Name)			
Facility Street Address (If different than Responsible Official's Street Address)			
Facility Local Contact Name		Title	Phone (OPTIONAL)
City	State	ZIP Code	

**SECTION II
APPLICABILITY AND COMPLIANCE STATUS**

<p>Applicability Questions (initial in box beside correct answer to the following questions)</p>		
Yes		A1. Is your facility a "gasoline-dispensing facility"? Gasoline-dispensing facility means any stationary facility that dispenses gasoline directly into the fuel tank of a motor vehicle.
No		
Yes		A2. Does your facility receive and dispense any type of gasoline other than aviation gasoline?
No		
<p>If you answer "No" to either of the above questions and can support your answer, then you are not subject to the control requirements listed below; however, you must still complete Sections III and IV and mail as directed. If prior to January 10, 2008, your facility is meeting the control requirements of C1, C2, and C3, as applicable, under an enforceable State, local, or tribal rule or permit, then this notification is not required to be submitted.</p>		

Control Questions
(initial in box beside correct answer to the following questions)

Yes		C1. Do you require that gasoline be handled in a manner that restricts vapor releases to the atmosphere for extended periods of time? Measures to be taken include, but are not limited to, the following:
No		<p>(1) Minimize gasoline spills</p> <p>(2) Clean up spills as expeditiously as practicable</p> <p>(3) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use</p> <p>(4) minimize gasoline sent to open-waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.</p>
Yes		C2. If the monthly gasoline throughput of your facility is greater than or equal to 10,000 gallons per month, is submerged filling* currently used for <u>all</u> gasoline storage tanks having a capacity of greater than or equal to 250 gallons?
No		<p>* Submerged filling requirements: Submerged fill pipes installed on or before November 9, 2006 must be no more than 12 inches from the bottom of the tank. Submerged fill pipes installed after November 9, 2006 must discharge no more than 6 inches from the bottom of the tank.</p>
Yes		C3. If the monthly gasoline throughput of your facility is greater than or equal to 100,000 gallons per month, is vapor-balanced filling (as specified in section 63.11118(b))* currently used for <u>all</u> gasoline storage tanks except:
No		<p>(1) Tanks constructed on or before January 10, 2008, with a capacity of less than 2,000 gallons</p> <p>(2) Tanks constructed after January 10, 2008, with a capacity of less than 250 gallons</p> <p>(3) Tanks equipped with floating roofs, or the equivalent?</p> <p>* Go to EPA Link in Compliance Bulletin, Scroll down to Rules/Notices, Download January 10, 2008 PDF document, go to Table 1 to Subpart CCCCCC of Part 63 "Applicability Criteria and Management Practices for Gasoline Distribution Facilities With Monthly Throughput of 100,000 gallons of Gasoline or More" to view vapor-balanced filling requirements.</p>

If you answer **no** to any of the above control questions, you must

- 1) Complete this notification and mail as directed.
- 2) Before January 10, 2011, existing sources must comply with all the control questions. This means that you are able to answer yes to each control question. Also, fill out and resubmit this report before January 10, 2011, to notify us that you are now in compliance.

**SECTION III
SOURCE DESCRIPTION**

Briefly describe the source the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted;

SECTION IV

CERTIFICATION *(Note: Certification is Optional – not required under section 63.9(b). You may edit the text in this section as deemed appropriate)*

Based upon information and belief formed after a reasonable inquiry, I, as a responsible official of the above-mentioned facility, certify that the information contained in this report is accurate and true to the best of my knowledge.

Name of Responsible Official (Print or Type)	Title	Date (mm/dd/yy)
Signature of Responsible Official		

Note 1: Notifications should be sent to the EPA Regional Office servicing your area and to your State or local Air Pollution Control Agency. Part 70 permit applications can be used in lieu of an initial notification provided: (1) the same information is contained in the permit application as required by this rule; (2) the State has an approved Title V program under Part 70; (3) the State has received delegation of authority by the EPA; and (4) the Title V permit application has been submitted to the permitting authority.

Note 2: Responsible official is defined under section 63.2 as any of the following: the president, vice-president, secretary, or treasurer of the company that owns the plant; the owner of the plant; the plant engineer or supervisor; a government official if the plant is owned by the Federal, State, city, or county government; or a ranking military officer if the plant is located on a military installation.

**Initial Notification/Notification of Compliance Status Report for
Bulk Gasoline Plants**

**NOTIFICATION TO MEET THE REQUIREMENTS OF 40 CFR 63 Subpart BBBBBB,
Section 63.11086(e) and (f) and 40 CFR 63 Subpart A, Section 63.9(b)**

Applicable Rule: 40 CFR Part 63, Subpart BBBBBB — National Emission Standards for Hazardous Air Pollutants for Area Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

40 CFR Part 63, Subpart A — National Emission Standards for Hazardous Air Pollutants for Source Categories, Subpart A — General

Submit Initial Notification as follows:

- a. To the appropriate Regional Office of the EPA (see addresses below); and
- b. If the State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act, submit the notification to the appropriate State agency found at the following link: <http://www.4cleanair.org/contactUsaLevel.asp>

Addresses of EPA Regional Offices:

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, One Congress Street, Suite 1100 (SEA), Boston, MA 02114, Attn: Air Compliance Clerk.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 290 Broadway, New York, NY 10007-1866.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee). Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303-3104.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Technical Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, 1595 Wynkoop Street, Denver, CO 80202-1129.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air, Waste and Toxics, 1200 6th Ave., Suite 900, AWT-107, Seattle, WA 98101.

Note: Initial notification reports for existing sources are due not later than May 9, 2008, or within 120 calendar days after the source becomes subject to the relevant standard. Sources may also use the application for approval of construction or reconstruction under section 63.5(d) to fulfill the initial notification requirement.

If you are a new or reconstructed major source, you must also include information required under 63.5(d) and 63.9(b)(5) - the Application for Approval of Construction or Reconstruction. You may use the Application for Approval of Construction and Reconstruction as your initial notification. (section 63.5(d)(1)(ii)).

**SECTION I
GENERAL INFORMATION**

Print or type the following information for each facility for which you are making initial notification:

Operating Permit Number (OPTIONAL)		Facility I.D. Number (OPTIONAL)	
Responsible Official's Name/Title			
Street Address			
City		State	ZIP Code
Facility Name (if different from Responsible Official's Name)			
Facility Street Address (If different than Responsible Official's Street Address)			
Facility Local Contact Name		Title	Phone (OPTIONAL)
City		State	ZIP Code

Control Questions
(initial in box beside correct answer to the following questions)

Yes		C1. Do you currently utilize "submerged filling" for the loading of gasoline into storage tanks at your facility? Submerged filling means the filling of a storage tank through a submerged fill pipe whose discharge is no more than 12 inches from the bottom of the tank for submerged fill pipes installed on or before November 9, 2006, or no more than 6 inches from the bottom of the tank for submerged fill pipes installed after November 9, 2006.
No		
Yes		C2. Is submerged filling currently used for <u>all</u> gasoline storage tanks having a capacity of greater than or equal to 250 gallons?
No		
Yes		C3. Do you currently utilize "submerged filling" for the loading of gasoline into cargo tanks at your facility?
No		
Yes		C4. Do you <u>require</u> that gasoline be handled in a manner that restricts vapor releases to the atmosphere for extended periods of time? Measures to be taken include, but are not limited to, the following: (1) Minimize gasoline spills (2) Clean up spills as expeditiously as practicable (3) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use (4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
No		

If you answer no to any of the above control questions, you must:

- 1) Complete this notification and mail as directed.
- 2) Comply with all the above (be able to answer yes) control questions within 3 years after the publication of the final subpart BBBBBB and resubmit this report confirming that you are complying with all the above requirements.

**SECTION II
APPLICABILITY AND COMPLIANCE STATUS**

Applicability Questions (initial in box beside correct answer to the following questions)		
Yes		A1. Is your facility a “bulk gasoline plant”? Bulk gasoline plant means any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, or cargo tank and has a gasoline throughput of less than 20,000 gallons per day.
No		
Yes		A2. Do you have any gasoline storage tanks that have a capacity greater than or equal to 250 gallons?
No		
If you answer “No” to either of the above questions and can support your answer, then you are not subject to the control requirements listed below; however, you must still complete Sections III and IV and mail as directed. If prior to January 10, 2008, your facility is meeting the control requirements of C1, C2, and C3, as applicable, under an enforceable State, local, or tribal rule or permit, then this notification is not required to be submitted.		

**SECTION III
SOURCE DESCRIPTION**

Briefly describe the source the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted. Provide information on the number and capacity of gasoline storage tanks and the average monthly gasoline throughput.

SECTION IV

CERTIFICATION *(Note: Certification is Optional – not required under section 63.9(b). You may edit the text in this section as deemed appropriate)*

Based upon information and belief formed after a reasonable inquiry, I, as a responsible official of the above-mentioned facility, certify the information contained in this report is accurate and true to the best of my knowledge.

Name of Responsible Official (Print or Type)	Title	Date (mm/dd/yy)
Signature of Responsible Official		

Note 1: Initial notifications should be sent to the EPA Regional Office servicing your area and to your State or local Air Pollution Control Agency. Part 70 permit applications can be used in lieu of an initial notification provided: (1) the same information is contained in the permit application as required by this rule; (2) the State has an approved Title V program under Part 70; (3) the State has received delegation of authority by the EPA; and (4) the Title V permit application has been submitted to the permitting authority. (section 63.9(a))

Note 2: Responsible official is defined under section 63.2 as any of the following: the president, vice-president, secretary, or treasurer of the company that owns the plant; the owner of the plant;

Submit Initial Notification as follows:

- a. To the appropriate Regional Office of the EPA (see addresses below); and
- b. If the State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act, submit the notification to the appropriate State agency found at the following link: <http://www.4cleanair.org/contactUsaLevel.asp>

Addresses of EPA Regional Offices:

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EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 290 Broadway, New York, NY 10007-1866.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee). Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303-3104.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Technical Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, 1595 Wynkoop Street, Denver, CO 80202-1129.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air, Waste and Toxics, 1200 6th Ave., Suite 900, AWT-107, Seattle, WA 98101.