

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 44

HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

Section 44-010 Policy and Purpose

The Lane Regional Air Protection Agency (LRAPA) finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It shall be the policy of LRAPA that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration determined by LRAPA to be injurious to public health or the environment. The purpose of this title is to establish emissions limitations on sources of these air contaminants. In order to reduce the release of these hazardous air pollutants and protect public health and the environment, it is the intent of LRAPA to adopt by rule within this title the source category-specific requirements that are promulgated by the EPA. Furthermore, it is hereby declared the policy of LRAPA that the standards contained in this title are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied.

Section 44-015 Definitions

The definitions in title 12, OAR 340-218-0030, and this section apply to this title. If the same term is defined in this section and title 12 or 340-218-0030, the definition in this section applies to this title.

- (1) "Affected source" is as defined in 40 C.F.R. 63.2.
- (2) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.
- (3) "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.
- (4) "C.F.R." means the July 1, 2017 Code of Federal Regulations unless otherwise identified.
- (5) "Construct a major Source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP; or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination

of HAP, unless the process or production unit satisfies criteria (a) through (f) of this definition:

- (a) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of 40 C.F.R. part 63, Subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;
 - (b) LRAPA has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 C.F.R. part 51 or 52, toxics-best available control technology (T-BACT) or MACT based on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or LRAPA determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).
 - (c) LRAPA determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;
 - (d) LRAPA has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;
 - (e) If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, LRAPA has determined that the level of control required by that prior determination remains adequate; and
 - (f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by LRAPA are predicated will be construed by LRAPA as applicable requirements under section 504(a) of the FCAA and either have been incorporated into any existing Title V permit for the affected facility or will be incorporated into such permit upon issuance.
- (6) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by the DEQ or LRAPA, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

- (7) "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.
- (8) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.
- (9) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including, but not limited to, ships.
- (10) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA under section 112(b) of the FCAA or determined by the Board to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.
- (11) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.
- (12) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.
- (13) "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this title, whichever is earlier.
- (14) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the FCAA, or the term "capacity factor" as used in Title IV of the FCAA or the regulations promulgated under it. Secondary emissions shall not be considered in determining the potential to emit of a source.
- (15) "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 C.F.R. part 63 subpart B.

- (16) "Regulated Air Pollutant" as used in this title means:
 - (a) Any pollutant listed under OAR 340-200-0400 or section 44-160; or
 - (b) Any pollutant that is subject to a standard promulgated under Section 129 of the FCAA.
- (17) "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.
- (18) "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.
- (19) "Solid Waste Incineration Unit" as used in this title shall have the same meaning as given in Section 129(g) of the FCAA.
- (20) "Stationary Source":
 - (a) As used in title 44 means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;

Section 44-020 List of Hazardous Air Pollutants

For purposes of this title LRAPA adopts by reference the pollutants, including groups of substances and mixtures, listed in **Section 112(b) of FCAA**, as Hazardous Air Pollutants (Table 1 of section 44-020).

Section 44-030 Amending the List of Hazardous Air Pollutants

- (1) Any person may file a petition with LRAPA to amend the HAP List. The petition must include at least the following information:
 - (a) Name and chemical abstract service number of the substance;
 - (b) Quantity of the substance used and released in Lane County;
 - (c) Sources or source categories emitting the substance;
 - (d) Potential adverse effects of the substance on public health and the environment;
 - (e) Potential exposure pathways; and
 - (f) Uncertainties in the data provided.

- (2) LRAPA shall present this information, or other information that LRAPA may develop, to the Board, consistent with subsection (1), for presentation to the Board which will consider it along with the best available scientific information developed by the EPA, the Oregon Health Division, other states, other scientific organizations, or by any person.
- (3) The Board shall amend the HAP list if:
 - (a) It finds there is a scientifically defensible need to add a substance not on the EPA list to protect the public health or environment;
 - (b) A chemical is added to the list by the EPA;
 - (c) A substance is deleted from the list by the EPA and the Board finds that the substance can be deleted without causing harm to public health or the environment;
or
 - (d) A substance has previously been added to the list by the Board but not by the EPA, and the Board finds that the substance can be deleted without causing harm to public health or the environment.

COMPLIANCE EXTENSIONS FOR EARLY REDUCTIONS

Section 44-040 Applicability

The requirements of 40 C.F.R. part 63 subpart D apply to an owner or operator of an existing source who wishes to obtain a compliance extension and an alternative emission limit from a standard issued under **Section 112(d) of the FCAA**. Any owner or operator of a facility who elects to comply with a compliance extension and alternative emission limit issued under this section must complete a permit application as prescribed in 40 C.F.R. 63.77.

Section 44-130 Emissions Limitation for New and Reconstructed Major Sources

- (1) Federal MACT. Any person who proposes to construct a major source of HAP after an applicable emissions standard has been proposed by the EPA pursuant to **Section 112(d)**, **Section 112(n)**, or **Section 129 of the FCAA** shall comply with the requirements and emission standard for new sources when promulgated by EPA.
- (2) State MACT. Any person who proposes to construct or reconstruct a major source of hazardous air pollutants before MACT requirements applicable to that source have been proposed by the EPA and after the effective date of the program shall comply with new and reconstructed source MACT requirements of **40 C.F.R. part 63, subpart B**.
- (3) Compliance schedule. The owner or operator of a new or reconstructed source must on and after the date of start-up, be in compliance with all applicable requirements specified in the Federal or State MACT.

EMISSION STANDARDS

Section 44-140 Emissions Limitation for Existing Sources

- (1) Federal MACT. Existing major and area sources shall comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to **Section 112(d)**, **section 112(n)**, or **Section 129 of the FCAA** and adopted by section within this title.
- (2) State MACT. If the EPA fails to meet its schedule for promulgating a MACT standard for a source category, LRAPA must approve HAP emissions limitations for existing major sources within that category on a case-by-case basis, in accordance with the requirements of **40 C.F.R. part 63, subpart B**.
 - (a) The owner or operator of each existing major source within that category will file permit applications in accordance with OAR 340-218-0040 and 40 C.F.R. part 63, subpart B.
 - (b) If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source, which is more stringent than the one established pursuant to this section, LRAPA shall revise the permit upon the next renewal to reflect the standard promulgated by the EPA. The source shall be given a reasonable time to comply, but no longer than 8 (eight) years after the standard is promulgated.
 - (c) LRAPA shall not establish a case-by-case MACT:
 - (A) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to **Section 111 of the FCAA**. These sources are subject to applicable emissions standards under title 46.
 - (B) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to **Section 112(n) of the FCAA**.
- (3) Compliance schedule
 - (a) The owner or operator of the source shall comply with the emission limitation:
 - (A) Within the time frame established in the applicable Federal MACT standard, but in no case later than 3 (three) years from the date of federal promulgation of the applicable MACT requirements; or
 - (B) Within the time frame established by LRAPA where a State- determined MACT has been established or a case-by-case determination has been made.
 - (b) The owner or operator of the source may apply for, and LRAPA may grant, a compliance extension of up to 1 (one) year if such additional period is necessary for the installation of controls.

- (c) Notwithstanding the requirements of this section, no existing source that has installed Best Available Control Technology or been required to meet Lowest Achievable Emission Rate prior to the promulgation of a federal MACT applicable to that emissions unit shall be required to comply with such MACT standard until 5 (five) years after the date on which such installation or reduction has been achieved, as determined by LRAPA.

Section 44-150, Emission Standards:

Federal Regulations Adopted by Reference

- (1) Except as provided in subsection (2) and (3), **40 C.F.R. Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 C.F.R. Part 63, Subparts A, F through J, L, through O, Q through U, W through Y, AA through EE, GG through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYY, AAAAA through NNNN, PPPP through UUUU, WWWW, YYYYY, ZZZZ, BBBB, DDDDD through FFFFF, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHH** are adopted by reference and incorporated herein, and **40 C.F.R. Part 63, Subparts ZZZZ and JJJJJ** are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.
- (2) Where "Administrator" or "EPA" appears in **40 C.F.R. part 61 or 63**, "LRAPA" shall be substituted, except in any section of **40 C.F.R. part 61 or 63** for which a federal rule or delegation specifically indicates that authority will not be delegated.
- (3) 40 C.F.R. Part 63 Subpart M - Dry Cleaning Facilities using Perchloroethylene: The exemptions in 40 C.F.R. 63.320(d) and (e) do not apply.
- (4) **40 C.F.R. Part 61** Subparts adopted by this section are titled as follows:
- (a) Subpart A-General Provisions;
 - (b) Subpart C-Beryllium;
 - (c) Subpart D-Beryllium Rocket Motor Firing;
 - (d) Subpart E-Mercury;
 - (e) Subpart F-Vinyl Chloride;
 - (f) Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene;
 - (g) Subpart L-Benzene Emissions from Coke By-Product Recovery Plants;
 - (h) Subpart N-Inorganic Arsenic Emissions from Glass Manufacturing Plants;
 - (i) Subpart O-Inorganic Arsenic Emissions from Primary Copper Smelters;

- (j) Subpart P-Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;
 - (k) Subpart V-Equipment Leaks (Fugitive Emission Sources);
 - (l) Subpart Y-Benzene Emissions from Benzene Storage Vessels;
 - (m) Subpart BB – Benzene Emissions from Benzene Transfer Stations; and
 - (n) Subpart FF-Benzene Waste Operations.
- (5) **40 C.F.R. Part 63** Subparts adopted by this section are titled as follows:
- (a) Subpart A-General Provisions;
 - (b) Subpart F-SOCMI;
 - (c) Subpart G-SOCMI-Process Vents, Storage Vessels, Transfer Operations, and Wastewater;
 - (d) Subpart H-SOCMI-Equipment Leaks;
 - (e) Subpart I-Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;
 - (f) Subpart J - Polyvinyl Chloride and Copolymers Production (federally vacated)
 - (g) Subpart L-Coke Oven Batteries;
 - (h) Subpart M-Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;
 - (i) Subpart N- Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;
 - (j) Subpart O-Ethylene Oxide Emissions Standards for Sterilization Facilities;
 - (k) Subpart Q-Industrial Process Cooling Towers;
 - (l) Subpart R-Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);
 - (m) Subpart S-Pulp and Paper Industry;
 - (n) Subpart T-Halogenated Solvent Cleaning;
 - (o) Subpart U-Group I Polymers and Resins;
 - (p) Subpart W-Epoxy Resins and Non-Nylon Polyamides Production;

- (q) Subpart X-Secondary Lead Smelting;
- (r) Subpart Y-Marine Tank Vessel Loading Operations;
- (s) Subpart AA-Phosphoric Acid Manufacturing Plants;
- (t) Subpart BB-Phosphate Fertilizer Production Plants;
- (u) Subpart CC-Petroleum Refineries;
- (v) Subpart DD-Off-Site Waste and Recovery Operations;
- (w) Subpart EE-Magnetic Tape Manufacturing Operations;
- (x) Subpart GG-Aerospace Manufacturing and Rework Facilities;
- (y) Subpart HH-Oil and Natural Gas Production Facilities;
- (z) Subpart II-Shipbuilding and Ship Repair (Surface Coating);
- (aa) Subpart JJ-Wood Furniture Manufacturing Operations;
- (bb) Subpart KK-Printing and Publishing Industry;
- (cc) Subpart LL-Primary Aluminum Reduction Plants;
- (dd) Subpart MM-Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-Chemical Pulp Mills;
- (ee) Subpart NN – Area Sources: Wool Fiberglass Manufacturing
- (ff) Subpart OO-Tanks-Level 1;
- (gg) Subpart PP-Containers;
- (hh) Subpart QQ-Surface Impoundments;
- (ii) Subpart RR-Individual Drain Systems;
- (jj) Subpart SS-Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;
- (kk) Subpart TT-Equipment Leaks-Control Level 1;
- (ll) Subpart UU-Equipment Leaks-Control Level 2;
- (mm) Subpart VV-Oil-Water Separators and Organic-Water Separators;
- (nn) Subpart WW-Storage Vessels (Tanks)- Control Level 2;

- (oo) Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;
- (pp) Subpart YY-Generic Maximum Achievable Control Technology Standards;
- (qq) Subpart CCC-Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants;
- (rr) Subpart DDD-Mineral Wool Production;
- (ss) Subpart EEE-Hazardous Waste Combustors;
- (tt) Subpart GGG-Pharmaceuticals Production;
- (uu) Subpart HHH-Natural Gas Transmission and Storage Facilities;
- (vv) Subpart III-Flexible Polyurethane Foam Production;
- (ww) Subpart JJJ-Group IV Polymers and Resins;
- (xx) Subpart LLL-Portland Cement Manufacturing Facilities;
- (yy) Subpart MMM-Pesticide Active Ingredient Production;
- (zz) Subpart NNN-Wool Fiberglass Manufacturing;
- (aaa) Subpart OOO-Manufacture of Amino/Phenolic Resins;
- (bbb) Subpart PPP-Polyether Polyols Production;
- (ccc) Subpart QQQ - Primary Copper Smelting;
- (ddd) Subpart RRR-Secondary Aluminum Production
- (eee) Subpart TTT-Primary Lead Smelting;
- (fff) Subpart UUU - Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;
- (ggg) Subpart VVV-Publicly Owned Treatment Works;
- (hhh) Subpart XXX-Ferro Alloys, Ferromanganese, and Silicomanganese Production;
- (iii) Subpart AAAA - Municipal Solid Waste Landfills;
- (jjj) Subpart CCCC-Manufacturing of Nutritional Yeast;
- (kkk) Subpart DDDD - Plywood and Composite Wood Products;

- (III) Subpart EEEE - Organic Liquids Distribution (non-gasoline);
- (mmm) Subpart FFFF - Miscellaneous Organic Chemical Manufacturing;
- (nnn) Subpart GGGG-Solvent Extraction for Vegetable Oil Production;
- (ooo) Subpart HHHH - Wet Formed Fiberglass Mat Production;
- (ppp) Subpart IIII - Surface Coating of Automobiles and Light-Duty Trucks;
- (qqq) Subpart JJJJ - Paper and Other Web Coating;
- (rrr) Subpart KKKK - Surface Coating of Metal Cans;
- (sss) Subpart MMMM - Surface Coating of Miscellaneous Metal Parts and Products;
- (ttt) Subpart NNNN - Surface Coating of Large Appliances;
- (uuu) Subpart OOOO - Printing, Coating, and Dyeing of Fabrics and Other Textiles;
- (vvv) Subpart PPPP - Surface Coating of Plastic Parts and Products;
- (www) Subpart QQQQ - Surface Coating of Wood Building Products;
- (xxx) Subpart RRRR - Surface Coating of Metal Furniture;
- (yyy) Subpart SSSS - Surface Coating of Metal Coil;
- (zzz) Subpart TTTT - Leather Finishing Operations;
- (aaaa) Subpart UUUU - Cellulose Production Manufacturing;
- (bbbb) Subpart VVVV - Boat Manufacturing;
- (cccc) Subpart WWWW - Reinforced Plastics Composites Production;
- (dddd) Subpart XXXX - Rubber Tire Manufacturing;
- (eeee) Subpart YYYY - Stationary Combustion Turbines;
- (ffff) Subpart ZZZZ - Reciprocating Internal Combustion Engines (adopted only for sources required to have a Title V or ACDP permit);
- (gggg) Subpart AAAAAA - Lime Manufacturing;
- (hhhh) Subpart BBBB - Semiconductor Manufacturing;
- (iii) Subpart CCCCC - Coke Ovens: Pushing, Quenching & Battery Stacks;

- (jjjj) Subpart DDDDD - Industrial, Commercial, and Institutional Boilers and Process Heaters
- (kkkk) Subpart EEEEE - Iron and Steel Foundries;
- (llll) Subpart FFFFF - Integrated Iron and Steel Manufacturing Facilities;
- (mmmm) Subpart GGGGG - Site Remediation;
- (nnnn) Subpart HHHHH – Misc. Coating Manufacturing;
- (oooo) Subpart IIIII - Mercury Cell Chlor-Alkali Plants;
- (pppp) Subpart JJJJJ - Brick and Structural Clay Products Manufacturing;
- (qqqq) Subpart KKKKK - Clay Ceramics Manufacturing;
- (rrrr) Subpart LLLLL - Asphalt Processing & Asphalt Roofing Manufacturing;
- (ssss) Subpart MMMMM - Flexible Polyurethane Foam Fabrication Operations;
- (tttt) Subpart NNNNN - Hydrochloric Acid Production;
- (uuuu) Subpart PPPPP - Engine Tests Cells/Stands;
- (vvvv) Subpart QQQQQ - Friction Materials Manufacturing Facilities;
- (www) Subpart RRRRR - Taconite Iron Ore Processing;
- (xxxx) Subpart SSSSS - Refractory Products Manufacturing;
- (yyyy) Subpart TTTTT - Primary Magnesium Refining;
- (zzzz) Subpart UUUUU – Coal- and Oil-Fired Electric Utility Steam Generating Units
- (aaaaa) Subpart WWWW - Area Sources: Hospital Ethylene Oxide Sterilization;
- (bbbbb) Subpart YYYYY - Area Sources: Electric Arc Furnace Steelmaking Facilities;
- (ccccc) Subpart ZZZZZ - Area Sources: Iron and Steel Foundries;
- (ddddd) Subpart BBBBBB- Area Sources: Gasoline Distribution Bulk Plant and Pipeline Facilities;
- (eeee) Subpart DDDDD- Area Sources: Polyvinyl Chloride and Copolymers Production;
- (ffff) Subpart EEEEE - Area Sources: Primary Copper Smelting;

- (ggggg) Subpart FFFFFF - Area Sources: Secondary Copper Smelting;
- (hhhhh) Subpart GGGGGG - Area Sources: Primary Nonferrous Metals - Zinc, Cadmium, and Beryllium;
- (iiii) Subpart HHHHHH -- Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations;
- (jjjj) Subpart JJJJJJ – Area Sources: Industrial, Commercial, and Institutional Boilers (adopted only for sources required to have a Title V or ACDP permit);
- (kkkkk) Subpart LLLLLL - Area Sources: Acrylic and Modacrylic Fibers Production;
- (llll) Subpart MMMMMM - Area Sources: Carbon Black Production;
- (mmmmm) Subpart NNNNNN - Area Sources: Chemical Manufacturing: Chromium Compounds;
- (nnnnn) Subpart OOOOOO - Area Sources: Flexible Polyurethane Foam Production;
- (ooooo) Subpart PPPPPP - Area Sources: Lead Acid Battery Manufacturing;
- (ppppp) Subpart QQQQQQ - Area Sources: Wood Preserving;
- (qqqqq) Subpart RRRRRR - Area Sources: Clay Ceramics Manufacturing;
- (rrrrr) Subpart SSSSSS - Area Sources: Glass Manufacturing;
- (sssss) Subpart TTTTTT - Area Sources: Secondary Nonferrous Metals Processing;
- (ttttt) Subpart VVVVVV – Area Sources: Chemical Manufacturing;
- (uuuuu) Subpart WWWWWW - Area Sources: Plating and Polishing Operations;
- (vvvvv) Subpart XXXXXX - Area Sources: Nine Metal Fabrication and Finishing Source Categories;
- (wwwww) Subpart YYYYYY - Area Sources: Ferroalloys Production Facilities;
- (xxxxx) Subpart ZZZZZZ - Area Sources - Aluminum, Copper, and Other Nonferrous Foundries;
- (yyyyy) Subpart AAAAAA - Area Sources: Asphalt Processing and Asphalt Roof Manufacturing;
- (zzzzz) Subpart BBBBBB - Area Sources: Chemical Preparations Industry;

- (aaaaaa) Subpart CCCCCCC - Area Sources: Paints and Allied Products Manufacturing;
- (bbbbbb) Subpart DDDDDDD - Area Sources: Prepared Feeds Manufacturing;
- (cccccc) Subpart EEEEEEE - Area Sources: Gold Mine Ore Processing and Production;
- (dddddd) Subpart HHHHHHH - Polyvinyl Chloride and Copolymers Production.

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of 43-020 through 43-035 which were deleted from title 43 by 06/11/02 rulemaking; Amended 1/12/2010, Amended 04/25/2011, Amended 11/12/2015, Amended 1/11/18)

EMISSION STANDARDS FOR GASOLINE DISPENSING FACILITIES

Section 44-170 Purpose

The sections 44-180 through 44-290 establish emission limitations and management practices for hazardous air pollutants (HAP) and volatile organic compounds (VOCs) emitted from the loading of gasoline storage tanks and dispensing of fuel at gasoline dispensing facilities (GDFs). Sections 44-180 through 44-290 also establish requirements to demonstrate compliance with the emission limitations and management practices.

Section 44-180 Definitions

The definitions in title 12 and this section apply to sections 44-170 through 44-290. If the same term is defined in this section and title 12, the definition in this section applies.

- (1) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.
- (2) "Aviation Gasoline" means a type of gasoline suitable for use as a fuel in an aviation gas spark-ignition internal combustion engine.
- (3) "Dual Point Vapor Balance System" means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.
- (4) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.
- (5) "Gasoline Cargo Tank" means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load.
- (6) "Gasoline Dispensing Facility" (GDF) means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment.
- (7) "Monthly Throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

- (8) "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.
- (9) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title [Note: for the context of the terms "section" and "title" as used in this definition, please refer to the definition of "nonroad engine" in 40 C.F.R. Part 63 Subpart CCCCCC].
- (10) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.
- (11) "Submerged Filling" as used in this title, means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in section 44-230 from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.
- (12) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.
- (13) "Vapor Balance System" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.
- (14) "Vapor Tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by monitoring to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.
- (15) "Vapor-tight gasoline cargo tank" means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 C.F.R. 63.11092(f).

Section 44-190 Affected Sources

- (1) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the unloading of gasoline to a GDF and also includes each storage tank.
- (2) Gasoline storage tanks with a capacity of less than 250 gallons must comply with the work practices in subparagraph 44-230(1)(a) through 44-230(1)(e), but are not required to comply with the submerged fill requirements in section 44-230 and vapor balance requirements in section 44-240.
- (3) The owner or operator of a GDF that has any gasoline storage tanks with a capacity of 250 gallons or more must comply with the work practices requirements and the submerged fill requirements in section 44-230.

- (4) The owner or operator of a GDF whose total volume of gasoline that is loaded into all gasoline storage tanks greater than 250 gallon capacity must comply with the vapor balance requirements in section 44-240 if either:
 - (a) the annual throughput is 480,000 gallons or more in any 12 consecutive months; or
 - (b) the monthly throughput is 100,000 gallons or more, as calculated on a rolling 30 day basis.
- (5) Each GDF must, upon request by LRAPA, demonstrate that their annual and average monthly gasoline throughput is below any applicable thresholds.
- (6) The owner or operator of a GDF must comply with the requirements of 44-240(4) for any gasoline storage tank equipped vapor balance system.
- (7) The owner or operator of a GDF that installs a new tank with a capacity of 10,000 gallons or more after the effective date of this section shall be equipped with a vapor balance system that meets the requirements in section 44-240.
- (8) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.
- (9) If the affected source's throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.
- (10) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to subsection 44-230(1).
- (11) For any affected source subject to the provisions of 44-170 through 44-290 and another federal rule, the owner or operator may elect to comply only with the more stringent provisions of the applicable rules. The owner or operator of an affected source must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. The owner or operator of an affected source must identify the affected source and provisions with which the owner or operator of an affected source will comply in the Notification of Compliance Status required under 44-260. The owner or operator of an affected source also must demonstrate in the Notification of Compliance Status that each provision with which the owner or operator of an affected source will comply is at least as stringent as the otherwise applicable requirements in 44-170 through 44-290. The owner or operator of an affected source is responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, the owner or operator of an affected source is violating 44-170 through 44-290. Compliance with this rule is the owner's or operator's responsibility and the Notification of

Compliance Status does not alter or affect that responsibility.

Section 44-200 Exceptions

- (1) *Agricultural Operations.* The emission standards in sections 44-210 through 44-290 do not apply to GDF used **exclusively** for agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the applicable requirements in 40 C.F.R. part 63 subpart CCCCCC – National Hazardous Air Pollutant Emission Standards (NESHAP) for Gasoline Dispensing Facilities.
- (2) *Aviation Gasoline.* The provisions of this section do not apply to the loading of aviation gasoline in storage tanks at airports, and aviation gasoline is not included in paragraphs 44-190(4)(a) and 44-190(4)(b).
- (3) The owner or operator of an affected source, as defined in section 44-190, is not required to obtain a Title V Operating Permit, as a result of being subject to sections 44-210 through 44-290. However, the owner or operator must still apply for and obtain an LRAPA Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

Section 44-210 Affected Equipment or Processes

- (1) The emission sources to which this section applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in section 44-190. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this section with the exception of topping off.
- (2) *New GDF.* For purposes of this section, a GDF is a new GDF if the owner or operator commenced construction of the GDF after November 9, 2006 and meets the applicability criteria in section 44-190 upon startup of the GDF.
- (3) *Reconstructed GDF.* A GDF is a reconstructed GDF if meeting the criteria for reconstruction as defined in 40 C.F.R. 63.2.
- (4) *Existing GDF.* A GDF is an existing GDF if it is not new or reconstructed.

Section 44-220 Compliance Dates

- (1) For a new or reconstructed affected source, the owner or operator must comply with the standards in sections 44-230 and 44-240, as applicable, no later than January 10, 2008 or upon startup, whichever is later, except as follows:
 - (a) The owner or operator of a new or reconstructed GDF must comply with 44-230(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

- (b) For tanks located at a GDF with average monthly throughput of less than 10,000 gallons of gasoline, the owner or operator must comply with the standards in 44-230(3) no later than Dec. 13, 2009.
- (2) The owner or operator of an existing GDF must comply with paragraphs 44-230(1)(a) through 44-230(1)(e) no later than the effective date of this section or upon startup, whichever is later.
- (3) For an existing affected source, the owner or operator must comply with the standards in section 44-230 and 44-240, as applicable, by no later than January 10, 2011.
- (4) The owner or operator of an existing affected source that becomes subject to the control requirements in this section because of an increase in the monthly throughput, as specified in section 44-190, must comply with the applicable standards in this section no later than January 10, 2011 or within 2 years after the affected source becomes subject to the additional control requirements in this section, whichever is later.
- (5) The initial compliance demonstration test required under 44-250(2)(a) and (b) must be conducted as specified in paragraphs (5)(a) and (b).
 - (a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.
 - (b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in subparagraph (5)(b)(A) or (B).
 - (A) For vapor balance systems installed on or before Dec. 15, 2009 at a GDF whose average monthly throughput is 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in subsection (2) or (3).
 - (B) For vapor balance systems installed after Dec. 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.
 - (C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.
- (6) If the GDF is subject to the control requirements in 44-178 through 44-290 only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in 44-180, the owner or operator of the GDF must comply with the standards in 44-178 through 44-290 as specified in paragraphs (6)(a) and (b).
 - (a) If the GDF is an existing facility, the owner or operator of the GDF must comply by Jan. 24, 2014.
 - (b) If the GDF is a new or reconstructed facility, the owner or operator of the GDF must comply by the dates specified in subparagraphs (5)(b)(A) and (B).

- (A) If startup of the GDF is after Dec. 15, 2009, but before January 24, 2011, the owner or operator of the GDF must comply no later than Jan. 24, 2011.
- (B) If startup of the GDF is after Jan. 24, 2011, the owner or operator of the GDF must comply upon startup of the GDF.

Section 44-225 General Duties to Minimize Emissions

Each owner or operator of an affected source must comply with the requirements of subsections (1) and (2).

- (1) The owner or operator of an affected source must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to LRAPA and the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
- (2) The owner or operator of an affected source must keep applicable records and submit reports as specified in 44-270(4) and 44-280(2).

Section 44-230 Work Practice and Submerged Fill Requirements

- (1) The owner or operator of a GDF must take reasonable precautions to prevent gasoline vapor releases to the atmosphere. Reasonable precautions include, but are not limited to, the following:
 - (a) Minimize gasoline spills;
 - (b) Do not top off or overfill vehicle tanks. If a person can confirm that a vehicle tank is not full after the nozzle clicks off, such as by checking the vehicle's fuel tank gauge, the person may continue to dispense fuel using best judgment and caution to prevent a spill;
 - (c) Post a sign at the GDF instructing a person filling up a motor vehicle to not top off vehicle tanks;
 - (d) Clean up spills as expeditiously as practicable;
 - (e) Cover all gasoline storage tank fill-pipes with a gasketed seal and all gasoline containers when not in use;
 - (f) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
 - (g) Ensure that cargo tanks unloading at the GDF comply with paragraphs (1)(a), (1)(d) and (1)(e).

- (2) Any cargo tank unloading at a GDF equipped with a functional vapor balance system must connect to the vapor balance system whenever gasoline is being loaded.
- (3) The owner or operator of cargo tank or GDF must only load gasoline into storage tanks at the facility by utilizing submerged filling as specified in paragraph (3)(a), (3)(b) or (3)(c). The applicable distances in paragraphs (3)(a) and (3)(b) must be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.
 - (a) Submerged fill pipes installed on or before November 9, 2006, must extend to no less than 12 inches from the bottom of the storage tank.
 - (b) Submerged fill pipes installed after November 9, 2006, must extend to no less than 6 inches from the bottom of the storage tank.
 - (c) Submerged fill pipes not meeting the specifications of subsection (3)(a) or (3)(b) are allowed if the owner or operator of a GDF can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by LRAPA and the EPA Administrator during the course of a site visit.
- (4) The GDF owner or operator must submit the applicable notifications as required in section 44-260.
- (5) The GDF owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.
- (6) The GDF owner or operator must comply with the requirements of this section by the applicable dates specified in section 44-220.
- (7) Portable gasoline containers that meet the requirements of 40 C.F.R. part 59 subpart F are considered acceptable for compliance with paragraph (1)(e).

Section 44-240 Vapor Balance Requirements

- (1) Except as provided in subsection (2), the owner or operator of a GDF must meet the requirements in either (1)(a) or (1)(b) for all affected gasoline storage tanks.
 - (a) Each management practice in Table 4 of section 44-240 that applies to the GDF.
 - (b) If, prior to January 10, 2008, the owner or operator operates a vapor balance system on all affected tanks at the GDF that meets either requirement listed in subparagraphs (1)(b)(A) or (1)(b)(B), the owner or operator of a GDF will be deemed in compliance with this subsection.
 - (A) Achieves emissions reduction of at least 90 percent.

- (B) Operates using management practices at least as stringent as those in Table 4 of section 44-240.
- (2) Gasoline storage tanks equipped with floating roofs or the equivalent are not required to comply with the control requirements in subsection (1).
- (3) Cargo tanks unloading at a GDF must comply with the work practice requirements of subsection 44-230(1) and management practices in Table 5 of section 44-240.
- (4) The owner or operator of a GDF subject to subsection (1) or having a gasoline storage tank equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in section 44-220:
 - (a) When loading a gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.
 - (b) Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.
 - (c) Have the vapor balance equipment inspected on at least an annual basis to discover potential or actual equipment failures.
 - (d) Replace, repair or modify any worn or ineffective component or design element within 24 hours of discovery to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within 2 working days of detecting such a leak. Such repair parts must be installed within 5 working days after receipt.
- (5) The owner or operator of a GDF subject to subsection (1) must also comply with the following requirements:
 - (a) The applicable testing requirements in section 44-250.
 - (b) The applicable notification requirements in section 44-260.
 - (c) The applicable recordkeeping and reporting requirements in sections 44-270 and 44-280.
 - (d) The owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.

Section 44-250 Testing and Monitoring Requirements

- (1) For all testing required by this section, submit notification to LRAPA at least ten (10) days prior to testing.
- (2) If required to install a vapor balance system subject to the requirements of section 44-240, the owner or operator must comply with the testing requirements in paragraphs 44-

250(2)(a) and 44-250(2)(b) at the time of installation of a vapor balance system or a new gasoline storage tank. Further, each owner or operator of a GDF with monthly throughput of 100,000 gallons of gasoline or more must also test every 3 years after installation.

- (a) The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 4 of 44-240, for pressure/vacuum vent valves installed on gasoline storage tanks using test method identified in subparagraphs (a)(A) or (a)(B):
 - (A) PV (pressure/vacuum test valve) Vent Cap Testing in accordance with CARB TP-201.1E,—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 C.F.R. 63.14).
 - (B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 C.F.R. 63.7(f).
- (b) The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 4 of 44-240, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using test methods identified in subparagraph (b)(A) or (b)(B):
 - (A) Pressure Decay Testing in accordance with CARB TP-201.3,—Determination of 2 inches of WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities.
 - (B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 C.F.R. 63.7(f).
 - (C) Bay Area Air Quality Management District Source Test Procedure ST-30 — Static Pressure Integrity Test — Underground Storage Tanks, adopted Nov. 30, 1983, and amended Dec. 21, 1994 (incorporated by reference, see 40 C.F.R. 63.14).
- (3) Each owner or operator of a GDF, choosing, under the provisions of 40 C.F.R. 63.6(g), to use a vapor balance system other than that described in Table 4 of 44-240, must demonstrate to the EPA the equivalency of their vapor balance system to that described in Table 4 of 44-240 using the procedures specified in paragraphs (3)(a) through (c).
 - (a) The owner or operator must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction in accordance with CARB TP-201.1 Vapor Recovery Test Procedure,—Volumetric Efficiency for Phase I Vapor Recovery Systems, incorporated by reference, see 40 C.F.R. 63.14.
 - (b) The owner or operator must, during the initial performance test required in paragraph (3)(a), determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 4 of 44-240

and for the static pressure performance requirement in item 1(h) of Table 4 of 44-240.

- (c) The owner or operator must also comply with the testing requirements specified in subsection (2).
- (4) Conduct of performance tests. Performance tests must be conducted under such conditions as LRAPA or the EPA Administrator specifies to the owner or operator of a GDF based on representative performance, i.e., performance based on normal operating conditions, of the affected source. Upon request by LRAPA or the EPA Administrator, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests.
- (5) Owners and operators of gasoline cargo tanks subject to the provisions of Table 4 of 44-240 must conduct annual certification testing according to the vapor tightness testing requirements found in 40 C.F.R. 63.11092(f).

Section 44-260 Notifications

- (1) Each owner or operator of a GDF subject to the submerged fill requirements in subsection 44-230(3) or the vapor balance requirements in section 44-240 must comply with subsections (2) through (6).
- (2) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the GDF NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the submerged fill requirements in subsection 44-230(2) or the vapor balance requirements in section 44-240, unless the owner or operator meets the requirements in subsection 44-260(4). The Initial Notification must contain the information specified in subsections (2)(A) through (C) of this section. The notification must be submitted to the EPA's Region 10 Office and LRAPA as specified in 40 C.F.R. 63.13.
 - (a) The name and address of the owner and the operator.
 - (b) The physical address of the GDF.
 - (c) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.
 - (d) A statement that the notification is being submitted in response to the GDF NESHAP and identifying the requirements in subsections 44-230(1) through (3) and section 44-240 that apply to the owner or operator of a GDF.
- (3) The owner or operator of a GDF must submit a Notification of Compliance Status to the EPA's Region 10 Office and LRAPA as specified in 40 C.F.R. 63.13, by the compliance date specified in section 44-220 unless the owner or operator meets the requirements in subsection (4). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of sections 44-170 through 44-290. If the facility is in compliance with the requirements of sections 44-170 through 44-290 at the time the Initial Notification

required in subsection (2) is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required in subsection (2).

- (4) If, prior to January 10, 2008 the owner or operator satisfies the requirements in (4)(a) or (4)(b), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status specified in subsections (2) and 44-260(3).
 - (a) The owner or operator is not subject to the vapor requirements in section 44-240, and is operating in compliance with an enforceable federal, state or local rule or permit that requires submerged fill as specified in subsection 44-230(2).
 - (b) The owner or operator is subject to the vapor requirements in Section 44-240, and meets the requirements in paragraphs (b)(A) and (b)(B).
 - (A) The owner or operator operates a vapor balance system at the GDF that meets the requirements of either sub-subparagraphs (4)(b)(A)(i) or (ii):
 - (i) Achieves emissions reduction of at least 90 percent.
 - (ii) Operates using management practices at least as stringent as those in Table 4.
 - (B) The owner or operator is operating in compliance with an enforceable federal, state, or local rule or permit that requires submerged fill as specified in subsection 44-230(2), and requires the operation of a vapor balance system as specified in subsection 44-260(4)(b)(A).
- (5) The owner or operator must submit a Notification of Performance Test as specified in 40 C.F.R. 63.9(e), prior to initiating testing required by subsections 44-250(2) and 44-250(3) as applicable.
- (6) The owner or operator must submit additional notifications specified in 40 C.F.R. 63.9, as applicable.

Section 44-270 Recordkeeping Requirements

- (1) Each owner or operator must keep the following records:
 - (a) Records of all tests performed in accordance with subsections 44-250(2) and 44-250(3).
 - (b) Records related to the operation and maintenance of vapor balance equipment required in section 44-240. Any vapor balance component defect must be logged and tracked by the GDF owner or operator using forms provided by LRAPA or a reasonable facsimile.
 - (c) Records of total monthly and annual throughput in gallons as defined.
 - (d) Records of permanent changes made at the GDF and to vapor balance equipment which may affect emissions.

- (2) Records required under section (1) must be kept for a period of 5 years and must be available within 24 hours of a request by LRAPA and the EPA Administrator.
- (3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 5 of section 44-240 must keep records documenting vapor tightness testing for a period of 5 years. Documentation must include each of the items specified in 40 C.F.R.63.11094(b)(2)(i) through (viii). Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b).
 - (a) The owner or operator of a gasoline cargo tank must keep all vapor tightness testing records with the cargo tank.
 - (b) As an alternative to keeping all records with the cargo tank, the owner or operator of a gasoline cargo tank may comply with the requirements of paragraphs (3)(a)(A) and (B).
 - (A) The owner or operator of a gasoline cargo tank may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous 4 years at their office or another central location.
 - (B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to LRAPA and the EPA Administrator during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.
- (4) Each owner or operator of a GDF must keep records as specified in subsections (4)(a) and (b).
 - (a) Records of the occurrence and duration of each malfunction of operation, i.e., process equipment, or the air pollution control and monitoring equipment.
 - (b) Records of actions taken during periods of malfunction to minimize emissions in accordance with 44-225(2), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

Section 44-280 Reporting Requirements

- (1) Each owner or operator subject to 44-240 must report to the LRAPA and the EPA Administrator the results of all tests required in 44-250. Test results must be submitted within 30 days of the completion of the performance testing.
- (2) Annual report. Each owner or operator of a GDF that has monthly throughput of 10,000 gallons of gasoline or more must report, by February 15 of each year, the following information, as applicable.
 - (a) The total throughput volume of gasoline, in gallons, for each calendar month.

- (b) A summary of changes made at the facility on vapor recovery equipment which may affect emissions.
- (c) List of all major maintenance performed on pollution control devices.
- (d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded.
- (e) A description of actions taken by the owner or operator of a GDF during a malfunction to minimize emissions in accordance with 44-225(2), including actions taken to correct a malfunction.

Section 44-290 Federal NESHAP Subpart A Applicability

Table 3 to 40 C.F.R. part 63 subpart CCCCCC shows which parts of the General Provisions apply to the owner or operator.

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	CHEMICAL NAME
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
8107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl) phthalate (DEHP)

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	CHEMICAL NAME
542881	Bis(chloromethyl)ether
75252	Bromoform
106900	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbon sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
97118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
19773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	CHEMICAL NAME
111444	Dichloroethyl ether [Bis(2-chloroethyl)ether]
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethyloxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrotoluene
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chlorethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1,-Dichloroethane)
50000	Formaldehyde

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	CHEMICAL NAME
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-Chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	CHEMICAL NAME
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	CHEMICAL NAME
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds ¹
0	Glycol ethers ²
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ³
0	Nickel Compounds
0	Polycyclic Organic Matter ⁴

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	CHEMICAL NAME
0	Radionuclides (including radon) ⁵
0	Selenium Compounds

NOTE: For all listings above which contain the word “compounds” and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical’s infrastructure.

*1 X=CN where X = H= or any other group where a formal dissociation may occur. For example KCN or Ca(CN)₂

*2 Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR= where: n = 1,2, or 3; R - alkyl or aryl groups; R= - R,H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH)_n-OH. Polymers are excluded from the glycol category.

*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

*5 A type of atom which spontaneously undergoes radioactive decay.

(Table 1 original adoption 06/11/02)

[Table 2: RESERVED]

[Table 3: RESERVED]

TITLE 44 – TABLE 4 (LRAPA 44-240) MANAGEMENT PRACTICES FOR GASOLINE DISPENSING FACILITIES SUBJECT TO STAGE I VAPOR CONTROLS	
If owning or operating	The owner or operator must
1. An existing GDF	Install and operate a vapor balance system on gasoline storage tanks that meets the design criteria in paragraphs (a) through (h). <ul style="list-style-type: none"> (a) All vapor connections and lines on the storage tank must be equipped with closures that seal upon disconnect. (b) The vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight, as defined in section 44-180. (c) The vapor balance system must be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer. (d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, must be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations. (e) If a gauge well separate from the fill tube is used, it must be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in section 44-240(2).

	<p>(f) Liquid fill connections for all systems must be equipped with vapor-tight caps.</p> <p>(g) Pressure/vacuum (PV) vent valves must be installed on the storage tank vent pipes. The pressure specifications for PV vent valves must be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, must not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.</p> <p>(h) The vapor balance system must be capable of meeting the static pressure performance requirement of the following equation:</p> $Pf = 2e^{-500.887/v}$ <p>Where:</p> <p>Pf = Minimum allowable final pressure, inches of water. v = Total ullage affected by the test, gallons. e = Dimensionless constant equal to approximately 2.718. 2 = The initial pressure, inches water.</p>
2. For a new or reconstructed GDF with monthly throughput of 100,000 gallons of gasoline or more, or a new storage tank(s) at an existing GDF with monthly throughput of 100,000 gallons of gasoline or more	Install and operate a dual-point vapor balance system, as defined in section 44-180, on each affected gasoline storage tank and comply with the design criteria in item 1 of this Table.

TITLE 44 – TABLE 5 (LRAPA 44-240) MANAGEMENT PRACTICES FOR GASOLINE CARGO TANKS UNLOADING AT GASOLINE DISPENSING FACILITIES EQUIPPED WITH STAGE I VAPOR CONTROLS	
If owning or operating	The owner or operator must
A gasoline cargo tank	<p>Not unload gasoline into a storage tank at a GDF with stage I vapor controls unless the following conditions are met:</p> <ul style="list-style-type: none"> i. All hoses in the vapor balance system are properly connected, ii. The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect, iii. All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight, iv. All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank, and v. All hatches on the tank truck are closed and securely fastened. vi. The filling of storage tanks at GDF must be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 must be carried on the cargo tank.

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(Table 4 Original Adoption 01/12/2010)