

AGENCY OF NATURAL RESOURCES

MONTPELIER, VERMONT

ENVIRONMENTAL PROTECTION REGULATIONS

CHAPTER 5

AIR POLLUTION CONTROL

5-101 AS USED IN THIS PART, ALL TERMS NOT DEFINED HEREIN SHALL HAVE THE MEANING GIVEN THEM IN THE ACT

"Act" refers to the Air Pollution Control Act, 10 V.S.A. §551 et seq., as amended.

"Action Level" means a rate of *emissions* of a *hazardous air contaminant* as specified in Appendix C or as may be determined under Section 5-261(3) of these regulations. *Action Levels* are used to determine the applicability of Section 5-261 to *stationary sources* and shall be derived in accordance with the method prescribed in Appendix E of these regulations.

"Actual Emissions" means the rate of *emissions*, as of a particular date, which equals the average rate at which a source actually emitted the contaminant during the preceding two-year period. The *Secretary* may allow the use of a different time period upon a determination that it is more representative of normal source operation. For any source which has not begun normal operations on the particular date, *actual emissions* shall equal the *allowable emissions* of the source on that date.

"Adverse Impact on Visibility" means *visibility impairment* which, as determined on a case-by-case basis by the *Air Pollution Control Officer*, interferes with the management, protection, preservation or enjoyment of a *person's* visual experience when visiting any *sensitive area* or any *Class I Federal area*. Any such determination will take into account the geographic extent, intensity, duration, frequency and time of *visibility impairment* and how these factors correlate with (1) times of visitor use and (2) the frequency and timing of natural conditions that reduce visibility.

"Agency" means the Agency of Natural Resources.

"Air Contaminant" means dust, fumes, mist, *smoke*, other *particulate matter*, vapor, gas, odorous substances, or any combination thereof.

"Air Pollution" means the presence in the outdoor atmosphere of one or more *air contaminants* in such quantities, and duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life, or property. Such

* NOTE: All terms defined within these regulations are printed in italics wherever they appear. Terms which are used in all subchapters of the regulations are defined in Section 5-101, while supplemental definitions intended for use with a specific section of the regulations are found within that section

effects may result from direct exposure to *air contaminants*, from deposition of *air contaminants* to other environmental media, or from alterations caused by *air contaminants* to the physical or chemical properties of the atmosphere.

"*Air Pollution Control Officer*" means the person whose functional responsibility is to direct and coordinate the *air pollution* control activities and program for the State.

"*Air Pollution Control Regulations*" means Chapter V of the Vermont Environmental Protection Regulations.

"*Air Quality Impact Evaluation*" means an analysis of the degree to which *emissions* from stationary or *motor vehicles* contribute to *air contaminant* concentrations in the *ambient air*. Such analysis shall include air quality modeling or other methods determined by the *Secretary* to be reliable.

"*Allowable Emissions*" means the *emission* rate calculated using the maximum rated capacity of the source and, if applicable, either:

- (a) The applicable *emission* standard contained in these regulations, if any, or
- (b) The *emission* rate or design, operational or equipment standard specified in any order or agreement issued under these regulations that is state and federally enforceable.

"*Ambient Air*" means that portion of the atmosphere, external to buildings, to which the general public has access.

"*Ambient Air Quality Standards*" means any standard which establishes the largest allowable concentration of a specific *air contaminant* in the *ambient air* space as specified in Subchapter III of these regulations.

"*Applicant*" means a person who seeks the approval of the *Secretary*, as required by Section 5-501, prior to the construction, installation or modification of a *stationary source*.

"*ASTM*" means the American Society for Testing and Materials.

"*Attainment Area*" (see definition of *nonattainment area*).

"*Brake Horsepower*" means the maximum continuous brake horsepower output rating for an engine as specified by the manufacturer.

"*Bulk Gasoline Plant*" means a *gasoline* storage and distribution facility with an average daily throughput of 20,000 gallons (76,000 liters) of *gasoline* or less on a 30-day rolling average.

"*Bulk Gasoline Terminal*" means a *gasoline* storage and distribution facility with an average daily throughput of more than 20,000 gallons (76,000 liters) of *gasoline* on a 30-day rolling average.

"*C.F.R.*" means the Code of Federal Regulations.

"*Capture Efficiency*" means the weight per unit time of *VOC* entering a *capture system* and delivered to a control device divided by the weight per unit time of total *VOC* generated by a source of *VOC*, expressed as a percentage.

"*Capture System*" means all equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) that contains, collects, and transports an *air contaminant* to a *control device*.

"*Class I Federal Area*" means any area identified in 40 C.F.R. 81, Subpart D.

"*Coating*" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives, inks, maskants, and temporary protective coatings.

"*Coating Unit*" means a series of one or more *coating* applicators and any associated drying area and/or *oven* wherein a *coating* is applied dried and/or cured. A *coating unit* ends at the point where the *coating* is dried or cured, or prior to any subsequent application of a different *coating*. It is not necessary to have an *oven* or a flashoff area in order to be included in this definition.

"*Combustion Contaminants*" are *air contaminants* discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

"*Combustion Efficiency (C.E.)*" means a measure of the completeness of combustion, determined by the measurement of the proportion by volume of carbon dioxide (CO_2) and carbon monoxide (CO) in *flue gas* (on a dry basis) where;

$$C.E. (\%) = \frac{CO_2}{(CO_2 + CO)} \times 100$$

"*Commence Operation*" means to begin using, on a full time basis, any equipment in a manner that represents normal operational procedures.

"*Control Device*" means equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of *air contaminants* in an air stream prior to discharge to the *ambient air*.

"*Crematory*" means an *incinerator* used solely to reduce the volume and weight of human and animal remains, limited amounts of associated surgical wastes including but not limited to disposable sharps, gloves, gowns and dressings, and associated combustible waste containers which have been approved by the *Air Pollution Control Officer*.

"*Emergency use engine*" means an engine used only for emergency purposes and up to 100 hours per year for routine testing and maintenance. Emergency purposes are limited to periods of time when:

- (1) The usual source of power, heat or lighting is temporarily unavailable due to reasons beyond the reasonable control of the owner/operator;

- (2) The Independent System Operator has determined a power capacity deficiency exists and has implemented a voltage reduction of five (5) percent or more of normal operating voltage; or
- (3) A fire or flood makes it necessary to pump water to minimize property damage.

"Emission" means a release of *air contaminants* into the *ambient air* space.

"Emission Reduction Credit" or "ERC" means the certified quantity of an *emission* reduction from a source that may be stored or used as described in Section 5-502.

"EPA" means the Federal Environmental Protection Agency, the Administrator of the Environmental Protection Agency, or the Administrator's designee.

"Equivalent Method" means any method of sampling and/or analyzing for an *air contaminant* which has been demonstrated to the *Air Pollution Control Officer's* satisfaction to have a consistent and quantitatively known relationship to a reference method under specific conditions.

"Federal Land Manager" means the Secretary of the department with authority over a *Class I Federal area* or his or her representative.

"Federally Enforceable" means all limitations and conditions which are enforceable by the U.S. Environmental Protection Agency, whether contained in federal regulations, a state implementation plan, or construction or operating permits.

"Flashoff Area" means the space between the *coating* application area and the *oven*.

"Flue Gas" means *air contaminants* which enter the *ambient air* through a flue or *stack*.

"Forest Land Area" means at least 25 acres of land that is at least 10% stocked with trees of any size.

"Fossil Fuel" means coal, coke, distillate oil, residual oil, and natural gas.

"Fuel" means any form of combustible matter--solid, liquid or gas, including combustible *refuse*.

"Fuel-Burning Equipment" means any individual furnace, boiler, and/or apparatus used in the process of burning *fuel* for the primary purpose of producing heat or power.

"Fuel Oil" means a liquid or liquefiable petroleum product either virgin or *rerefined* which is burned for the generation of heat or power and derived, whether in whole or in part, from crude oil.

"Fugitive Emissions" means *air contaminant(s)* emitted into the *ambient air* from points other than a *stack*. For purposes of determining the applicability of Subchapter V and Subchapter X of the *Air Pollution Control Regulations*,

"*fugitive emissions*" shall include only those *emissions* which are reasonably quantifiable.

"*Fugitive Particulate Matter*" means any *particulate matter* generated by a process operation which is emitted into the *ambient air* space from points other than a *stack*.

"*Garbage*" -- waste resulting from distribution, preparation and serving of food.

"*Gaseous Matter*" means any material that exists in the gaseous state at *standard conditions*.

"*Gasoline*" means any petroleum distillate having a *Reid vapor pressure* of four pounds per square inch (27.6 kilopascals) or greater.

"*Gasoline Dispensing Facility*" means any site where *gasoline* is transferred from a stationary storage tank to a *motor vehicle gasoline* tank used to provide *fuel* to the engine of that *motor vehicle*.

"*Gasoline Tank Truck*" means a delivery tank truck with a capacity of 4000 gallons or greater used at *bulk gasoline plants*, *bulk gasoline terminals* or *gasoline* dispensing facilities that is loading or unloading *gasoline*.

"*Greenhouse Gases*" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other chemical or physical substance emitted into the air that the Secretary may reasonably anticipate to cause or contribute to climate change.

"*Hazardous Air Contaminant*" means an *air contaminant* which in the judgment of the *Secretary*, taking into account its quantity, concentration or physical, chemical or infectious characteristics, causes, or contributes to, *air pollution* which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness.

"*Hazardous Air Pollutant (HAP)*" means any air pollutant listed in or pursuant to Section 112(b) of the federal Clean Air Act.

"*Hazardous Ambient Air Standard (HAAS)*" means the highest acceptable concentration in the *ambient air* of a *hazardous air contaminant* as specified in Appendix C or as may be determined under Section 5-261(6) of these regulations. All *HAAS's* shall be derived in accordance with the methods prescribed in Appendix D of these regulations.

"*Hazardous Most Stringent Emission Rate (HMSEER)*" means a rate of *emissions*, including a visible *emissions* standard, which the *Secretary*, on a case-by-case basis, determines is achievable for a *stationary source* based on the lowest *emission* rate achieved in practice by such category of source. If a source demonstrates that due to economic impacts and costs, it cannot achieve the lowest *emission* rate achieved in practice by such source category, *HMSEER* shall be the lowest *emission* rate which the *Secretary* determines said source is capable of achieving, *HMSEER* may be achieved through application of pollution control equipment, production processes or techniques, equipment design, work practices, chemical substitution, or innovative pollution control techniques. In no event shall application of *HMSEER* permit a

stationary source to emit any contaminants in excess of any Federal *emission* standard or any *emission* standard in these regulations.

"*Hearing Officer*" means an employee or representative of the *Agency* appointed by the *Secretary* to hear any or all matters in any case properly before the *Secretary* under Subchapter VI of these regulations.

"*Heat Input*" shall be the aggregate heat content of all *fuels* introduced into any *fuel burning equipment*. For the purposes of review of the construction or installation of an *air contaminant source*, the *heat input* value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater.

"*Horsepower (H.P.)*" is a unit that is equal to 10 square feet of boiler heating surface.

"*Implementation Plan for the Protection of Visibility in Vermont*" means the plan with that name developed for the purpose of meeting the requirements contained in Section 169A of the Clean Air Act (42 U.S.C. 7401 et seq.).

"*Incinerator*" means any structure or furnace in which combustion takes place, the primary purpose of which is the reduction in volume and weight of an unwanted material.

"*Leak Free*" means no more than 3 drops per minute of product is leaked.

"*Loading Rack*" means an aggregation or combination of *gasoline* loading equipment arranged so that all loading outlets in the combination can be connected to a tank truck or trailer parked in a specified loading space.

"*Major Modification*" means any *modification* of a *major stationary source* that would result in a *significant* increase in *actual emissions* of any *air contaminant*.

"*Major Source of HAPs*" means any *stationary source* that has allowable emissions, in the aggregate, of 10 tons per year or more of any single HAP, 25 tons per year or more of any combination of HAPs, or such lesser quantity that EPA may establish by rule.

"*Major Stationary Source*" means any *stationary source* or *modification* whose allowable emissions of any *air contaminant*, except for lead and greenhouse gases, are equal to or greater than 50 tons per year. For the *air contaminant* lead, "*major stationary source*" means any *stationary source* or *modification* whose allowable emissions of lead are equal to or greater than five tons per year. For the *air contaminant* that is *greenhouse gases*, "*major stationary source*" means any *stationary source* or *modification* whose allowable emissions of total greenhouse gases are:

- (1) On a mass basis, equal to or greater than the thresholds in 40 C.F.R. §51.166(b) (1) (i), and
- (2) On a carbon dioxide equivalent (CO₂e) basis, subject to regulation at that stationary source or *modification*.

"*Material safety data sheet (MSDS)*" means the documentation required for hazardous chemicals by the Occupational Safety and Health Administration

(OSHA) Hazard Communication Standard (29 C.F.R. 1910) for a solvent, cleaning material, contact adhesive, coating, or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations, and handling procedures.

"*Modification*" means any physical change in, or change in the method of operation of, a *stationary source* which increases the actual emission rate of any *air contaminant*, regardless of any *emission* reductions achieved at the source. A physical change or change in the method of operation shall not include:

- (a) Routine maintenance, repair and replacement; or
- (b) An increase in the hours of operation or in the production rate, unless such change is prohibited under any condition of a permit issued pursuant to these Regulations.

"*Most Stringent Emission Rate (MSER)*" a rate of *emissions* which the *Secretary*, on a case-by-case basis, determines is achievable for a source based on the lowest *emission* rate achieved in practice by such category of source, unless the source demonstrates it cannot achieve such a rate due to economic impacts and costs. Costs of achievement of *MSER* will be accorded less weight for sources or *modifications* locating in *non-attainment areas* than for sources or *modifications* locating in *attainment areas* for the applicable *air contaminant*. In no event shall application of *MSER* result in *emissions* of any contaminants in excess of any federal *emission* standard or any *emission* standard contained in these regulations. If the *Secretary* determines that imposition of an *emission* standard is infeasible, a design, equipment, work practice or operational standard, or combination thereof, may be prescribed instead as constituting *MSER*.

"*Motor Vehicle*" shall include all vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, vehicles running only on stationary rails or tracks, motorized highway building equipment, road making appliances or snowmobiles, or implements of husbandry.

"*Multiple Chamber Incinerator*" means any article, machine, equipment, contrivance, structure, or part of a structure used to dispose of combustible *refuse* by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"*Municipal Waste Combustor Acid Gases* (measured as sulfur dioxide and hydrogen chloride)" means all acid gases emitted in the exhaust gases from MWC units including, but not limited to, sulfur dioxide and hydrogen chloride gases.

"*Municipal Waste Combustor Metals* (measured as particulate matter)" means metals and metal compounds emitted in the exhaust gases from MWC units.

"*Municipal Waste Combustor Organics* (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)" means organic compounds emitted in the exhaust gases from MWC units and includes total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

"Municipal Solid Waste Landfill Emissions (measured as non-methane organic compounds)" means gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

"Natural Wood" -- for the purposes of these regulations, *natural wood* means trees, including logs, boles, trunks, branches, limbs, and stumps, lumber including timber, logs or slabs, especially when dressed for use. This definition shall also include pallets which are used for the shipment of various materials so long as such pallets are not chemically treated with any preservative, paint, or oil. This definition shall not extend to other wood products such as sawdust, plywood, particle board and press board.

"Nonattainment Area" means, for any *air contaminant*, an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the *Secretary* to be reliable) to exceed any applicable *ambient air quality standard* for such contaminant. "Attainment Area" means all other areas, except those areas for which there is not sufficient data to allow classification ("unclassified areas").

"Odor" means that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

"Opacity" means the degree to which *emissions* reduce the transmission of light and obscure the view of any object in the background.

"Open Burning" -- the burning of any type of combustible material in the open where the products of combustion are emitted directly into the *ambient air* space without passing through a *stack*, chimney, or other enclosure. Burning shall include ignition, permitting or causing ignition and suffering, allowing or maintaining burning.

"Oven" means a chamber which is used to bake, cure, polymerize, and/or dry a *coating*.

"Overall Emission Reduction Efficiency" means the weight per unit time of *VOC* removed or destroyed by a *control device* divided by the weight per unit time of *VOC* generated by a source, expressed as a percentage. The *overall emission reduction efficiency* can also be calculated as the product of the *capture efficiency* and the *control device* destruction or removal efficiency.

"Owner/operator" means the owner(s), operator(s), lessor(s), lessee(s) and/or supervisor(s) of an *air contaminant* source and/or a *person* authorized to represent such *person(s)*.

"Particulate Matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than one-hundred (100) micrometers.

"Particulate Matter Emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the *ambient air* as measured by applicable reference methods, or an equivalent or alternative method, specified in 40 C.F.R. Chapter 1. Emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on appendix J of 40 C.F.R. Part 50 and designated in accordance with 40 C.F.R. Part 53, or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

"PM₁₀ Emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the *ambient air* as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 C.F.R. Chapter 1. Emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"PM_{2.5}" means particulate matter with an aerodynamic diameter less than or equal to a nominal two-and-a-half (2.5) micrometers as measured by a reference method based on Appendix L of 40 C.F.R. Part 50 and designated in accordance with 40 C.F.R. Part 53, or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

"PM_{2.5} direct emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal two-and-a-half (2.5) micrometers emitted to the *ambient air* as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 C.F.R. Chapter 1. Emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. It does not include emissions of other gaseous precursors which may subsequently contribute to formation of secondary PM_{2.5} particles through chemical reactions.

"Party" means any *person* named or admitted as a *party* under the Act or Subchapter VI of these regulations, or properly seeking and entitled as of right to be admitted as a *party* thereunder.

"Pathological Waste" -- human and animal remains consisting of carcasses, organs and solid organic waste.

"Permanent", in reference to *emission* reductions, means that the *emission* reduction is assured for the life of the corresponding *emission* increase. The permanence of the subject reduction shall be guaranteed through an enforceable permit limitation confirming the amount and duration of the decrease, or other enforceable mechanism (e.g., *permanently* dismantling and removing the *emissions* source, surrendering the permit, etc).

"Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. The word "person" also means any subdivision, agency, or instrumentality of the State of Vermont, of any other state, of the United States, or of any interstate body.

"Prevention of Significant Deterioration (PSD)" means the protection of the public health and welfare from any actual or potential adverse effect which in the *Secretary's* judgment may reasonably be anticipated to occur from *air pollution* which would deteriorate air quality in any portion of the State where existing air quality is better than the *ambient air quality standards*.

"Process Unit" refers to a unique and/or distinct part of the total process, where raw or partially processed materials undergo a chemical or physical

change which generates *air contaminants*. Within any *process unit* when any material undergoes a series of operations which are capable of emitting *particulate matter* and which employ any combination of machines, equipment, or other devices used for processing the material either continuously or in batches, the total *process weight* for the series of operations shall be the weight of materials introduced to the series as a whole. Any material which is the product of any operation in the series shall not be counted as part of the *process weight* for any other operation in the series.

"*Process Weight*" means the total weight of all materials introduced into any *process unit* which may cause discharge into the *ambient air space* of *particulate matter*. Solid *fuels* charged will be considered as part of the *process weight*, but liquid and gaseous *fuels* and combustion air will not. "THE PROCESS WEIGHT PER HOUR" will be derived by dividing the total *process weight* by the number of hours in a complete operation from beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

"*Quantifiable*", in reference to *emission* reductions, means that the amount, rate and characteristics of the *emission* reduction can be determined through an accurate and reliable method (e.g., through *emissions* tests, continuous *emissions* monitoring, material balance, etc.).

"*Reasonable Progress Toward the Remediating of Existing Man-made Visibility Impairment in a Sensitive Area*" means achieving and maintaining a statewide average *emission* rate of less than or equal to 1.2 pounds of sulfur dioxide released per million British thermal units of *heat input* for the category of sources including all *fuel-burning equipment* with a rated *heat input* greater than or equal to 100 million British thermal units per hour, by no later than 1995 as described in the *Implementation Plan for the Protection of Visibility in Vermont*.

"*Reasonably Available Control Technology*" means devices, systems, process modifications, or other apparatus or techniques designed to prevent or control *emissions* that are reasonably available, taking into account the social, environmental and economic impact of such controls, and alternative means of *emission* control.

"*Reciprocating Internal Combustion Engine*" means any spark ignited or compression ignited engine in which power, produced by heat and/or pressure in the engine cylinder(s) through the burning of a mixture of air and fuel, is subsequently converted to mechanical work by means of one or more pistons.

"*Reconstructed Source*" means a source wherein the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source. A *reconstructed source* will be treated as a new source for the purposes of these regulations.

"*Refuse*" -- *garbage, rubbish, and mixed municipal wastes*.

"*Reid Vapor Pressure*" means the absolute vapor pressure of a liquid or solid petroleum product at 100°F (37.8°C) in pounds per square inch (kilopascals).

"*Rerefined Oil*" means any *waste oil* which has been processed in such a manner as to make it substantially equivalent, in the judgment of the *Air Pollution Control Officer*, to virgin oil with regard to the *emissions* caused when it is used as a *fuel*.

"Respondent" means any adverse party in a case or enforcement action under these regulations.

"Ringelmann Chart" -- the chart published and described in U.S. Bureau of Mines Information Circular 8333 (May 1967) and on which are illustrated graduated shades of grey for use in estimating the light obscuring capacity of smoke.

"Rubbish" -- solids or liquids not considered to be highly flammable or explosive, such as, but not limited to, paper, rags, ashes, leaves, tree branches, yard trimmings, furniture, tin cans, glass, crockery, demolition wastes, junk automobiles, tires, automotive parts and other similar materials.

"Schedule of compliance" means a schedule of remedial measures, including an enforceable sequence of actions or operations, leading to timely compliance with applicable requirements related to the control of air contaminant emissions or the prevention or control of air pollution.

"Secretary" means the Secretary of the Agency of Natural Resources or such person as the Secretary may designate.

"Sensitive Area" means for the purpose of these regulations, any portion of the area comprising Lye Brook Wilderness Area and all other terrain in Vermont at or above the elevation of 2500 feet above mean sea level.

"Significant" means, in reference to a modification's increase in actual emissions or a source's allowable emissions of any of the following air contaminants, a rate of emissions that would equal or exceed any of the following rates:

Air Contaminant	Tons Per Year
Carbon monoxide	50
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter emissions	25
PM ₁₀ emissions	15
PM _{2.5} ¹	
PM _{2.5} direct emissions	10
Sulfur dioxide	40
Nitrogen oxides	40
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10

Air Contaminant	Tons Per Year
<i>Municipal waste combustor organics (measured as total tetra-through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)</i>	3.5 × 10 ⁻⁶
<i>Municipal waste combustor metals (measured as particulate matter)</i>	15
<i>Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)</i>	40
<i>Municipal solid waste landfill emissions (measured as non-methane organic compounds)</i>	50
<i>Greenhouse gases</i>	1. <u>2</u>
<p>¹ For PM_{2.5}, significant means either 10 tons per year or more of direct PM_{2.5} emissions, 40 tons per year or more of sulfur dioxide emissions or 40 tons per year or more of nitrogen oxides emissions.</p> <p>²For <i>greenhouse gases</i>, "significant" means a rate of emissions for total greenhouse gases, on a carbon dioxide equivalent (CO₂e) basis, that (1) is subject to regulation at that source or <i>modification</i>, and (2) would equal or exceed the significance level established by EPA.</p>	

"Smoke" means the visible aerosol, resulting from incomplete combustion, which contains fly ash and/or other *combustion contaminants*, excluding condensed water vapor.

"Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

"Standard Conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of Hg.

"State Enforceable" means all limitations and conditions which are enforceable by the Agency by means of state regulations, construction or operating permits, administrative orders, assurances of discontinuance, court orders, or contracts.

"Stationary Reciprocating Internal Combustion Engine" means a *reciprocating internal combustion engine* that remains at a *stationary source* for more than twelve consecutive months or a shorter period of time for a *reciprocating internal combustion engine* located at a seasonal source. A *reciprocating internal combustion engine* located at a seasonal source is an engine that remains or will remain at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a *stationary source* that remains or will remain at a single location on a permanent basis (i.e., at least two years) and that operates at the location for three months or more each year.

"Stationary Source" means any structure(s), building(s), facility(ies), equipment, installation(s), or operation(s) (or combination thereof) which emits or may emit any *air contaminant*, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or persons under common control). The phrase "emits or may emit any

air contaminant" as used in this definition applies to both *fugitive emissions* and *stack emissions*.

"*Stationary Source Hazardous Air Impact Standard*" means a concentration in the *ambient air* of a *hazardous air contaminant* attributable to the air quality impacts of a *stationary source*, in conjunction with the air quality impacts from other *stationary sources* as determined in accordance with the *Agency's* air quality impact evaluation guidelines (revised November 20, 1992). *Stationary source hazardous impact standards* are specified in Appendix C or may be determined under Section 5-261(6) of these regulations.

"Subject To Regulation" means subject to regulation as defined by EPA at 40 C.F.R. §51.166(48)(b) and any references therein to "major stationary source" shall be interpreted as defined in 40 C.F.R. § 51.166(b)(1)(i) rather than as defined in this Section 5-101 of these regulations.

"*Submerged Fill*" means the method of filling a *gasoline tank truck* or storage tank in which *gasoline* enters within six inches of the bottom of the tank. Bottom filling of *gasoline tank trucks* and storage tanks is included in this definition.

"*Surplus*", in reference to *emission* reductions, means *emission* reductions that are voluntarily created by a source and are not required by any state or federal laws or regulations or related permits, orders or agreements and are not relied upon for *Agency* planning purposes.

"*Ton*" means "short ton" or 2000 pounds.

"*Total Suspended Particulate (TSP)*" means *particulate matter* as measured by the reference method specified in Title 40 C.F.R. Part 50, Appendix B.

"*True Vapor Pressure*" means the absolute pressure in pounds per square inch (kilopascals) of a pure vapor in equilibrium with its pure liquid or solid form at a given temperature.

"Used Oil" means any petroleum product that has been refined from crude oil (in whole or in part), or any synthetic oil, that has been used and unrefined, or is unfit for its intended use as a result of contamination by physical or chemical impurities. *Used oil* is a free-flowing liquid at standard temperature and pressure and has a flash point of greater than 100 degrees (F). *Used oil* includes oils used as lubricants, heat transfer fluids, hydraulic fluids, and for other similar uses, but does not include materials derived from crude or synthetic oils that are fuels (e.g. gasoline, jet fuel and diesel fuel), cleaning agents or solvents (e.g. naphtha or mineral spirits). These materials are subject to regulation under the Hazardous Waste Management Regulations Subchapters 1 through 7, as applicable.

"*Vapor Balance System*" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded, or an equivalent system that has been approved by the *Air Pollution Control Officer* and *EPA*.

"*Vapor Collection System*" means all piping, seals, hoses, connections, pressure vacuum vents and other equipment between the *gasoline tank truck* and the vapor processing unit and/or the storage tanks and vapor holder.

"*Vapor Control System*" means a system that limits or prevents release to the atmosphere of organic compounds in the vapors displaced from a tank during the transfer of *gasoline*.

"*Vapor Recovery System*" means a vapor gathering system capable of collecting *volatile organic compound* vapors and gases emitted during the operation of any transfer, storage or process equipment.

"*Vapor-Tight*" means equipment that allows no loss of vapors. Compliance with *vapor-tight* requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the lower explosive limit (LEL) when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch (2.54 cm) from the source.

"*Vapor-Tight Gasoline Tank Truck*" means a *gasoline tank truck* with a product delivery tank that sustains a pressure change of not more than 3.0 inches (75 mm) of water within 5 minutes after it is pressurized to 18 inches (450 mm) of water; or when evacuated to 5.9 inches (150 mm) of water, the same tank will sustain a pressure change of not more than 3.0 inches (75 mm) of water within 5 minutes. This capacity shall be demonstrated by annual testing using the procedures specified in Method 27 of 40 *C.F.R.* Part 60, Appendix A.

"*Visibility Impairment*" means any humanly perceptible change in visual range, contrast, or coloration from that which would have existed under natural visibility conditions.

"*Volatile Organic Compound (VOC)*" means any organic compound (i.e., chemical compound of carbon) that participates in atmospheric photochemical reactions. This includes any organic compound other than those determined by the Administrator of the U.S. Environmental Protection Agency to have no or negligible photochemical reactivity.

"*Wood Fuel*" for the purposes of these regulations means *natural wood*, as well as, sawdust or other wood waste generated by wood processing operations.

5-253.2 Bulk Gasoline Terminals

(a) Applicability. This subsection shall apply to all *loading racks* that deliver liquid products into *gasoline tank trucks* at a *bulk gasoline terminal*. Once a facility is subject to this subsection, it shall remain so, even if the throughput falls below the applicability threshold.

(b) Standards.

(1) All of the *loading racks* at a *bulk gasoline terminal* subject to this subsection shall be equipped with a *vapor collection system* and *vapor control system* designed to collect and control the organic compound liquids or vapors displaced from *gasoline tank trucks* during product loading.

(2) Each *vapor collection system* shall be designed to prevent any *volatile organic compound* vapors collected at one *loading rack* from passing to another *loading rack*.

(3) The owner or operator of a *bulk gasoline terminal* shall load *gasoline* into *vapor-tight gasoline tank trucks* only, using the following procedures:

(i) Obtain the vapor-tightness documentation for each *gasoline tank truck* prior to loading the tank truck at a *loading rack* subject to this subsection;

(ii) Record the tank identification number of each *gasoline tank truck* as it is loaded at the terminal;

(iii) Cross-check each tank identification number obtained with the tank vapor-tightness documentation on file at the *bulk gasoline terminal* within 2 weeks after the corresponding tank is loaded;

(iv) Notify the owner or operator of each previously loaded *gasoline tank truck* that is not *vapor-tight* within 3 weeks after the loading has occurred; and

(v) Assure that any *non-vapor-tight gasoline tank truck* will not be reloaded at a loading rack until vapor-tightness documentation for that tank truck is obtained.

(4) The terminal owner or operator shall ensure that the loading of *gasoline tank trucks* at the *loading rack* is limited to tank trucks equipped with vapor collection equipment that is compatible with the *vapor collection system* at the terminal.

(5) The terminal owner or operator shall ensure that the *vapor collection system* of the terminal and the tank truck are connected during each loading of a *gasoline tank truck* at the *loading rack*.

(6) The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the *gasoline tank truck* from exceeding 450 mm of water during product loading.

(7) No pressure-vacuum vent in the *bulk gasoline terminal's vapor collection system* shall begin to open at pressure less than 450 mm of water.

(8) The total amount of organic compounds emitted to the atmosphere released from the *vapor collection system* and *vapor control system* during the

loading of *gasoline tank trucks* shall not exceed 4.7 grains per gallon (80 mg/L) of *gasoline* loaded.

(9) Loading of *gasoline tank trucks* at bulk terminals shall be by *submerged fill* only.

(c) Inspection requirements. The terminal owner or operator shall inspect the *vapor collection system*, the *vapor control system* and each *loading rack* every calendar month for liquid and vapor leaks during transfer operations. Detection methods using sight, sound or smell are acceptable. Each leak detected shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.

(d) Test methods. Compliance with this subsection shall be determined using the test procedures set forth by the *Air Pollution Control Officer*.

(e) Record keeping.

(1) The owner or operator of a *bulk gasoline terminal* shall maintain records for a minimum of three years on the following:

(i) Tank truck tightness documentation shall be kept on file at the terminal in a permanent form available for inspection. The documentation file for each *gasoline tank truck* shall be updated at least once per year to record current test results as determined by test method 27.

(ii) Documentation shall include, but is not limited to, the following:

(A) Test title: Gasoline Delivery Truck Pressure Test--EPA Reference Method 27;

(B) Tank owner name and address;

(C) Tank identification number;

(D) Testing location;

(E) Date of test;

(F) Tester's name and signature;

(G) Name, signature and affiliation of any witnessing inspector; and

(H) Test results: actual pressure change in 5 min., recorded in mm of water (average for two runs).

(2) The owner or operator of the *bulk gasoline terminal* shall keep a record of monthly leak inspections on file at the terminal. Inspection records shall include, but are not limited to, the following information:

(i) Date of inspection;

(ii) Description of leaks found during inspection, if any;

(iii) Leak determination method used;

(iv) Corrective action taken including date leak repaired; and

(v) Inspector's name and signature.

(3) The owner or operator of a *bulk gasoline terminal* shall maintain records of daily throughput.

(4) All records required under this subsection shall be made available for inspection during normal business hours and copies shall be provided to the *Air Pollution Control Officer* upon request.

(f) Compliance. A *bulk gasoline terminal* subject to this subsection shall be in compliance on or before the effective date of this rule.

5-253.3 Bulk Gasoline Plants

(a) Applicability.

(1) This subsection shall apply to any *bulk gasoline plant* with an average daily throughput of 3,000 gallons or greater calculated on a calendar month basis. Once a *bulk gasoline plant* is subject to this subsection, it shall remain so, even if its throughput later falls below the applicability threshold. Any *bulk gasoline plant* with a throughput which is below the threshold shall comply with the requirements of paragraphs (b)(3)(vii), (viii), (ix) and (d)(1)(i) only.

(2) This subsection shall also apply to any *bulk gasoline plant*, regardless of its gasoline throughput, for which construction or reconstruction is commenced after January 1, 2001.

(b) Standards.

(1) The owner or operator of a *bulk gasoline plant* shall equip each *gasoline storage tank* with a *submerged fill pipe* and shall equip the *bulk gasoline plant* with a *vapor balance system* between the *gasoline storage tank* and the incoming *gasoline tank truck*. The lines shall be equipped with fittings that are *vapor-tight* and that automatically and immediately close upon disconnection.

(2) The owner or operator of a *bulk gasoline plant* shall equip the plant's *loading rack(s)* for *submerged fill* and shall equip the *bulk gasoline plant* with a *vapor balance system* between the *gasoline storage tank* and the outgoing *gasoline tank truck*. The *vapor balance system* shall be designed to prevent any vapors collected at one *loading rack* from passing to another *loading rack*. The lines shall be equipped with fittings that are *vapor-tight* and that automatically and immediately close upon disconnection.

(3) The owner or operator of a *bulk gasoline plant* required to maintain and operate a *vapor balance system* under this subsection shall ensure that the following procedures are complied with during *gasoline* loading and unloading operations and in the storage of *gasoline*:

(i) The *vapor balance system* shall be connected between the *gasoline tank truck* and the storage tank during all transfer operations and the connection shall be *vapor-tight*;

(ii) All storage tank openings, including inspection hatches and gauging and sampling devices, shall be *vapor-tight* when not in use;

(iii) The *gasoline tank truck* compartment hatch covers shall remain closed during the transfer of *gasoline*;

(iv) The *vapor balance system* shall be designed and operated at all times to prevent gauge pressure in the *gasoline tank truck* from exceeding 18 inches (450 millimeters [mm]) of water and vacuum from exceeding 5.9 inches (150 mm) of water during product transfer;

(v) No pressure vacuum relief valve in the *bulk gasoline plant vapor balance system* shall begin to open at a system pressure of less than 18 inches (450 mm) of water or at a vacuum of less than 5.9 inches (150 mm) of water;

(vi) All product transfers shall be limited to *vapor-tight gasoline tank trucks* or *account trucks* [for definition of account truck see Section 5-253.5(b)];

(vii) The filling of storage tanks shall be accomplished by *submerged fill* only;

(viii) The loading of outgoing *gasoline tank trucks* and *account trucks* [for definition of account truck see Section 5-253.5(b)] shall be accomplished by *submerged fill* only; and

(ix) The owner or operator of the *gasoline bulk plant* or the *gasoline tank truck* shall observe the entire transfer operation and shall discontinue transfer if any liquid or vapor leaks are observed.

(c) Inspection and monitoring requirements.

(1) The *bulk gasoline plant* owner or operator shall inspect the *vapor balance system* and each *loading rack* every calendar month for liquid and vapor leaks during *gasoline* transfer operations. Detection methods using sight, sound, or smell are acceptable. Each leak detected shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.

(2) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument) capable of measuring 20 in. of water gauge pressure within a ± 0.5 inches of water precision, shall be calibrated and installed on the *bulk gasoline plant vapor balance system*, if applicable, at a pressure tap, located as close as possible to the connection with the *gasoline tank truck*, to allow determination of compliance with paragraph (b) (3) (iv).

(d) Record keeping.

(1) The owner or operator of a *bulk gasoline plant* which is subject to this subsection shall maintain the following records for a minimum of three years:

(i) Daily records showing the quantity of all *gasoline* transferred into *gasoline tank trucks* and *account trucks* [for definition of account truck see Section 5-253.5(b)].

(ii) A record of each monthly leak inspection shall be kept on file at the plant. The inspection records shall include but are not limited to:

(A) The date of inspection;

(B) Findings, including a description of leaks found, if any;

(C) Leak determination method;

(D) Corrective action taken, including the date each leak was repaired; and

(E) The inspector's name and signature.

(2) All records required under this subsection shall be made available for inspection during normal business hours and copies shall be provided to the *Air Pollution Control Officer* upon request.

(e) Compliance. All *bulk gasoline plants* subject to this subsection shall comply with this subsection by July 1, 1994 or by the commencement of plant operation, whichever occurs later.

5-253.5 Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities

(a) Applicability.

(1) This section shall apply to all *gasoline dispensing facilities* and the appurtenant equipment necessary to a *gasoline dispensing facility*, except as provided below.

(2) Except for the requirement in subsection (c)(1)(i) that the filling of *gasoline* storage tanks shall be by *submerged* fill only, *gasoline dispensing facilities* which receive deliveries from *account trucks* only are exempt from the provisions of this section. (ii)

(3) Once a *gasoline dispensing facility* becomes subject to subsection (e) of this section because of an increase in *monthly gasoline throughput*, it shall remain so, even if the throughput falls below the applicability threshold.

(4) *Gasoline dispensing facilities* are also required to comply with "National Emission Standards for Hazardous Air Pollutants from Source Category: Gasoline Dispensing Facilities", 40 CFR Part 63, Subpart CCCCCC.

(b) Definitions. For the purpose of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter:

"*Account truck*" means a delivery truck with a capacity of less than 4,000 gallons which delivers *gasoline* to businesses, retail outlets and farms.

"*Dual-point Stage I vapor recovery system*" means a type of *Stage I vapor recovery system* in which the *gasoline* storage tank is equipped with an entry port for a *gasoline* fill pipe and a separate exit port for a vapor connection.

"*Monthly gasoline throughput*" means the total volume of *gasoline* that is loaded into, or dispensed from, all *gasoline* storage tanks at each *gasoline dispensing facility* during a month. Monthly throughput is calculated by summing the volume of *gasoline* loaded into, or dispensed from, all *gasoline* storage tanks at each *gasoline dispensing facility* during the current day, plus the total volume of *gasoline* loaded into, or dispensed from, all *gasoline* storage tanks at each *gasoline dispensing facility* during the previous 364 days, and then dividing that sum by 12.

"*Stage I vapor recovery system*" means a system in which *gasoline* vapors are forced from the storage tank into a *vapor-tight gasoline tank truck* or *vapor collection and control system* through direct displacement by the *gasoline* loaded into the storage tank.

"*Startup*" means the setting in operation of a *gasoline dispensing facility* subject to this section or a portion of a *gasoline dispensing facility* subject to this section for any purpose.

(c) Standards.

(1) The owner or operator of a *gasoline dispensing facility* subject to this section which receives deliveries of *gasoline* into *gasoline* storage tanks from a *gasoline tank truck* shall install, operate and maintain a *Stage I vapor recovery system* that meets the following design criteria:

- (i) The filling of *gasoline* storage tanks shall be by *submerged fill* only;
- (ii) All vapor lines on the *gasoline* storage tank are equipped with closures that seal upon disconnect;
- (iii) The *Stage I vapor recovery system* shall not cause the pressure in the *gasoline tank truck* to exceed 18 inches of water pressure or 5.9 inches of water vacuum during product transfer;
- (iv) At *gasoline dispensing facilities* employing dual-point *Stage I vapor recovery*, the vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations;
- (v) If a gauge well separate from the fill tube is used, it shall be provided with a drop tube that extends to within 6 inches of the bottom of the *gasoline* storage tank;
- (vi) All liquid fill connections on *gasoline* storage tanks shall be equipped with vapor-tight caps;
- (vii) Pressure/vacuum (PV) vent valves shall be installed on the *gasoline* storage tank vent pipes. The pressure specifications for PV vent valves shall 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 the facility, including connections, shall 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;
- (viii) The *Stage I vapor recovery system* shall be capable of meeting the static pressure performance requirement of the following equation:

$$P_f = 2e(-500.887/v)$$

Where:

P_f = 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 of water

The pressure performance requirement can also be determined from the table in Appendix G of these regulations;

(ix) Any *gasoline dispensing facility* that is a newly constructed source, is a *reconstructed source*, or installs a new *gasoline* storage tank or tanks after July 1, 2015 shall equip all its *gasoline* storage tanks with a dual-point *Stage I vapor recovery system* at the time specified in subsection (g)(3) of this section.

(2) During the transfer of *gasoline* from the *gasoline tank truck* to the *gasoline* storage tank, the owner or operator of a *gasoline tank truck* delivering *gasoline* to a *gasoline dispensing facility* subject to this subsection shall ensure that:

(i) (i) All hoses in the *vapor balance system* are properly connected;

(ii) The adaptors or couplers that attach to the vapor line on the *gasoline* 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 vapor return equipment on the *gasoline tank truck* is compatible with the *Stage I vapor recovery system* installed on the *gasoline* storage tank;

(v) All hatches on the *gasoline tank truck* are closed and securely fastened; and

(vi) The filling of *gasoline* storage tanks at *gasoline dispensing facilities* is limited to unloading by *vapor-tight gasoline tank trucks*. Documentation that the *gasoline tank truck* is a *vapor tight gasoline tank truck* shall be carried on the tank truck. This documentation shall include test results of the pressure and vacuum tests.

(3) The *owner* or *operator* must, at all times, operate and maintain any *gasoline dispensing facility* subject to this section, including associated air pollution control 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 the *Air Pollution Control Officer* which may include, but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the *gasoline dispensing facility*.

(4) The *owner* or *operator* of any *gasoline dispensing facility* subject to this section must not allow *gasoline* to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

(i) Minimize *gasoline* spills;

(ii) Clean up spills as expeditiously as practicable;

(iii) Cover all open *gasoline* containers and all *gasoline* storage tank fill-pipes with a gasketed seal when not in use; and

(iv) Minimize *gasoline* sent to open waste collection systems that collect and transport *gasoline* to reclamation and recycling devices, such as oil/water separators.

(d) Inspection requirements

(1) Each month, the *owner* or *operator* of a *gasoline dispensing facility* subject to this section shall inspect the *Stage I vapor recovery system* as follows:

(i) Check for the presence of PV vent valves and any visible damage;

(ii) Check each fill adaptor cap for the presence of a gasket and tightness of fit;

(iii) Check each vapor adaptor (dry break or poppet valve) to ensure the poppet valve depresses and reseats properly and makes a tight seal with the vapor adaptor valve seat;

(iv) Check each vapor adaptor cap for the presence of a gasket and tightness of fit.

(2) Each calendar year, but no sooner than 10 months after the prior annual inspection, the *owner* or *operator* of a *gasoline dispensing facility* subject to this section shall inspect the *Stage I vapor recovery system* as follows:

(i) Check each fill adaptor to ensure it is threaded tightly onto the riser pipe;

(ii) Check each vapor adaptor to ensure it is threaded tightly onto the riser pipe;

(iii) Check the in-tank monitor caps for tightness of fit and check the probe wire grommet to ensure it is sealed tightly around the probe wire;

(iv) Check any spill bucket drain valves for a tight seal;

(v) Other components identified by the *Air Pollution Control Officer*.

(3) Any component of the *Stage I vapor recovery system* identified as missing, worn, or ineffective during an inspection required by subsection (d)(1) or (2) shall be repaired or replaced by the *owner* or *operator* of the *gasoline dispensing facility* to ensure the vapor-tight integrity and efficiency of the *Stage I vapor recovery system*. An initial attempt to repair or replace any missing, worn or ineffective component shall be made as soon as practical. The defective component shall be repaired or replaced within 15 calendar days after the inspection that found the deficiency. If repair or replacement is not completed within 15 days, the *owner* or *operator* shall immediately notify the *Air Pollution Control Officer* of the reason(s) that the defective component cannot be repaired or replaced, and the *Air Pollution Control Officer* may authorize additional time for the repair or replacement.

(e) Testing.

(1) The *owner* or *operator* of any *gasoline dispensing facility* with a *monthly gasoline throughput* of 100,000 gallons/month or greater shall conduct and pass the following tests on the *gasoline dispensing facility's Stage I vapor recovery system* every three years beginning no later than 90 days after the effective date of this regulation:

(i) A pressure decay test performed in accordance with:

(A) California Air Resources Board Vapor Recovery Test Procedure TP-201.3 - Determination of 2-Inch WC static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996 and amended March 17, 1999;

(B) Bay Area Air Quality Management District Source Test Procedure ST-30 - Static Pressure Integrity Test - Underground Storage Tanks, adopted November 30, 1983 and Amended December 31, 1994; or

(C) An alternative method as approved by the *Air Pollution Control Officer* and *EPA*.

(ii) A leak rate and cracking pressure test on any pressure/vacuum vent valves performed in accordance with:

(A) California Air Resources Board Vapor Recovery Test Procedure TP-201.1E - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003

(B) An alternative method as approved by the *Air Pollution Control Officer* and *EPA*.

(2) The *owner* or *operator* of a *gasoline dispensing facility* subject to this subsection shall notify the *Air Pollution Control Officer* at least 5 calendar days in advance as to when the testing in subsection (e)(1)(i) or (ii) will occur and what party will conduct the testing.

(3) A copy of the test results shall be submitted to the *Air Pollution Control Officer* within 30 calendar days of completion of the above testing.

(4) An *owner* or *operator* who performs and passes all testing required by subsection (e)(1) of this section, on or before September 1 of the appropriate year will be considered to be in compliance for that year with the requirement for an annual inspection in subsection (d)(2) of this section.

(5) The *Air Pollution Control Officer* may require the *owner* or *operator* of a *gasoline dispensing facility* to conduct tests at any reasonable time to determine compliance with this section. The *Air Pollution Control Officer* or the *Officer's* representative may also conduct testing at any reasonable time for the same purpose.

(f) Record keeping and Reporting.

(1) The *owner* or *operator* of a *gasoline dispensing facility* shall maintain monthly records showing the quantity of all *gasoline* delivered to the site. Upon request by the *Air Pollution Control Officer* or *EPA*, the *owner* or *operator* of a *gasoline dispensing facility* shall document to the Agency the *monthly gasoline throughput* at the *gasoline dispensing facility* in the manner prescribed by the *Air Pollution Control Officer*.

(2) The *owner* or *operator* of a *gasoline dispensing facility* shall maintain records of the monthly inspections of the *Stage I vapor recovery system* in a format approved by the *Air Pollution Control Officer*;

(3) Each record required to be kept by this section shall be maintained by the *owner* or *operator* of the facility for a minimum of five

years. These records shall be made available for inspection by representatives of the Agency during normal business hours and copies shall be provided to such representatives, to the *Air Pollution Control Officer*, or *EPA* upon request;

(4) By December 31 of each year, the *owner* or *operator* of a *gasoline dispensing facility* shall document and certify to the Agency compliance with subsection (d)(2) of this section in a manner prescribed by the *Air Pollution Control Officer*.

(g) Compliance.

(1) The *owner* or *operator* of any *gasoline dispensing facility* subject to this section shall comply with this section on or before July 1, 2015, except as provided below.

(2) The *owner* or *operator* of any *gasoline dispensing facility* that is a newly constructed or *reconstructed source* for which construction commences after July 1, 2015 shall comply with this section upon *startup* of the facility.

(3) The *owner* or *operator* of a *gasoline dispensing facility* shall comply with subsection (c)(1)(ix) of this section regarding equipping its *gasoline storage tanks* with a *dual-point Stage I vapor recovery system* as follows:

(i) Any *gasoline dispensing facility* that is a newly constructed or *reconstructed source* for which construction commences after July 1, 2015 shall comply with subsection (c)(1)(ix) of this section upon *startup* of the facility.

(ii) Any *gasoline dispensing facility* existing on July 1, 2015 at which a new *gasoline storage tank* or tanks are installed shall comply with subsection (c)(1)(ix) of this section upon *startup* of operation of the first new tank.

(4) The *owner* or *operator* of a *gasoline dispensing facility* that becomes subject to the requirements in subsection (e) of this section regarding testing because of an increase in *monthly gasoline throughput* shall comply with subsection (e) of this section by the end of the first calendar year following the year in which the *monthly gasoline throughput* exceeded 100,000 gallons. Testing shall continue to be conducted every 3 years after the testing is first required to be conducted and passed.

5-253.7 [REPEALED]

Repealed pursuant to 10 V.S.A. §583(a), eff. January 1, 2013.