



Vermont Department of Environmental Conservation

Agency of Natural Resources

MEMORANDUM

To: Katie Pickens, LCAR Committee Staff

From: Doug Elliott, Acting Director, Air Quality & Climate Division ^{DE}

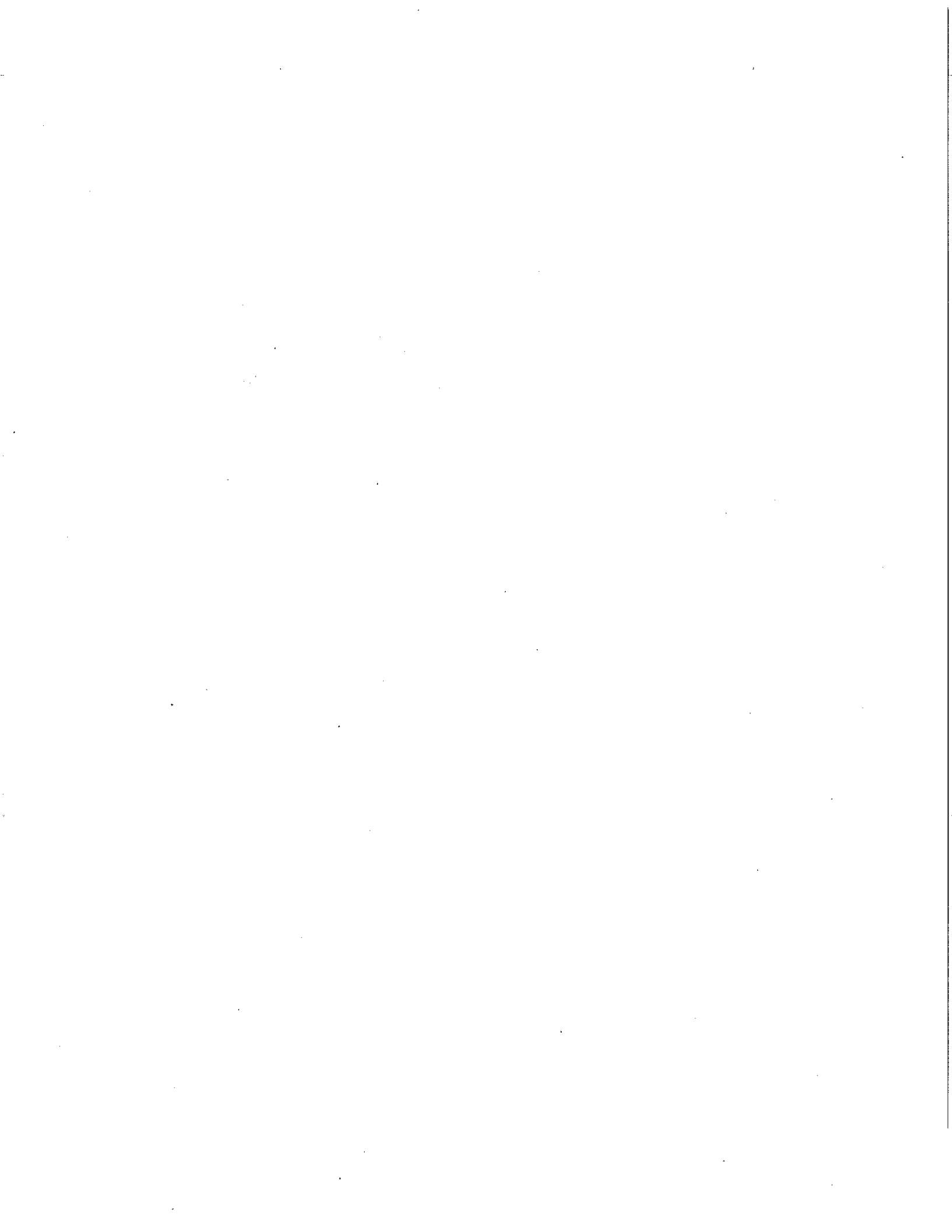
Date: November 19, 2014

Re: Final Proposed Rule to Amend Vermont's Air Pollution Control Regulations regarding gasoline vapor recovery

Please find attached a copy of the filing for the final proposed rule to amend Vermont's Air Pollution Control Regulations regarding gasoline vapor recovery. The original final proposed rule filing is being submitted to Louise Corliss at the VT State Archives & Records Administration.

If you have any questions or need additional information, please contact Dave Shepard at 802-272-4088 or dave.shepard@state.vt.us or Megan O'Toole at 802-249-9882 or megan.otoole@state.vt.us.

Cc: Louise Corliss, VT State Archives & Records Administration



RESPONSIVENESS SUMMARY

PROPOSED AMENDMENTS TO AIR POLLUTION CONTROL REGULATIONS REGARDING GASOLINE VAPOR RECOVERY AND REVISIONS TO VERMONT'S STATE IMPLEMENTATION PLAN (SIP)

November 19, 2014

List of Commenters:

1. Ida E. McDonnell, Manager, Air Permits, Toxics, and Indoor Air Programs Unit, U.S. Environmental Protection Agency, Region 1.
2. There were no other public comments received.

Summary of Comments and Responses:

1. Comment: Section 5-101, Definition of "Vapor Balance System": Vermont is proposing to revise this definition to include an equivalent system that has been approved by the Air Pollution Control Officer." Such an alternative should also be required to be approved by EPA.

Response: Vermont has added an additional layer of EPA approval to equivalent vapor balance systems under the definition in 5-101.

2. Comment: Section 5-253.5 (c)(1)(viii): For clarity, in the absence of using a superscript to denote the exponent of the dimensionless constant, "e," the equation for meeting the static pressure performance requirement should be revised to read:

$$P_f = 2e^{(-500.887/v)}$$

Response: Vermont has made the suggested change to the equation.

3. Comment: Section 5-253.5 (e)(1)(i)(C) and (e)(1)(ii)(B): These two subsections provide discretion for the Air Pollution Control Officer to approve an alternative test method for the pressure decay test and the leak rate and cracking pressure test of P/V vent valves. Such an



alternative is also required to be approved by EPA for sources subject to the National Emission Standard for Hazardous Air Pollutants for Gasoline Dispensing Facilities (GDF NESHAP). In addition, EPA approval of the alternative test method should also be required in order for EPA to approve Vermont's regulation into the SIP. Thus, these subsections should be revised to read:

"An alternative method as approved by the Air Pollution Control Officer and EPA."

Response: Vermont has added an additional layer of EPA approval to alternative test methods.

4. Comment: Section 5-253.5 (f)(1): For enforcement purposes, inspection records should also be made available to EPA. This section should be revised to read:

"Upon request by the Air Pollution Control Officer or EPA, the owner..."

Similarly, Section 5-253.5(f)(3) should be revised to read:

"... copies shall be provided to such representatives, or to the Air Pollution Control Officer, or EPA upon request"

It may be possible within the demonstration to use the same supporting information for the different requirements discussed above.

Response: Vermont has made the suggested changes to the language.

5. Comment: Since Vermont is revising its Stage I regulation, EPA suggests the state also consider including California Air Resources Board (CARB) enhanced Stage I vapor recovery requirements in this rule. Rhode Island has adopted, and Massachusetts has proposed to adopt, these requirements. (See, for examples, Rhode Island Air Pollution Control Regulation No. 11, "Petroleum Liquids Marketing and Storage," amended December 25, 2013, posted at http://www.dem.ri.gov/pubs/regs/regs/air/air11_13.pdf).

Response: Vermont has determined that including the CARB enhanced Stage I vapor recovery requirements in this rule revision is not necessary at this time, nor is it required for this rule to be approved as part of Vermont's SIP.

State of Vermont
Department of Environmental Conservation
Air Quality & Climate Division
Davis 2, One National Life Drive
Montpelier, VT 05620-3802
(802) 828-1288

AGENCY OF NATURAL RESOURCES

To: LCAR and Secretary of State

Through: Doug Elliott, Acting Director, Air Quality & Climate Division ^{DE}

From: Megan O'Toole
Associate General Counsel
Air Quality & Climate Division

Date: November 19, 2014

Subject: List of Changes to Proposed Amendments to Air Pollution Control Regulations regarding gasoline vapor recovery

Please find set forth below a list of changes made to the final proposed rule, entitled "Amendments to Air Pollution Control Regulations regarding gasoline vapor recovery," since the filing of the proposed rule. The Agency made the changes described below in response to comments on the proposed rule.

1. In Section 5-101, the language "*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*" has been revised to include "and *EPA*."
2. In Section 5-253.5 (c)(1)(viii), the language " $P_f = 2e-500.887/V$ " is revised to read " $P_f = 2e(-500.887/V)$."
3. In Section 5-253.5 (e)(1)(i)(C) and Section 5-253.5 (e)(1)(ii)(B), the language "An alternative method as approved by the *Air Pollution Control Officer*" is revised to read "An alternative method as approved by the *Air Pollution Control Officer* and *EPA*."
4. In Section 5-253.5 (f)(1), the language "upon request by the Air Pollution Control Officer, the owner..." has been revised to read "Upon request by the Air Pollution Control Officer or EPA, the owner...."
5. In Section 5.253.5 (f)(3), the language "...copies shall be provided to such representatives or to the Air Pollution Control Officer, upon request" has been revised to read "...copies shall be provided to such representatives, or to the Air Pollution Control Officer, or EPA upon request."



6. In addition to the changes made in response to the comments from EPA, the Agency removed language that was inadvertently included in the last version of the Air Pollution Control Regulations (APCR), adopted on July 5, 2014.
 - a. Effective January 1, 2013, the Vermont legislature repealed the rules pertaining to Stage II vapor recovery controls at gasoline dispensing facilities (see 10 V.S.A. §583). Section 5-253.7 of the APCR was therefore repealed by operation of law on the date set out by the legislature. Due to an administrative error, §253.7, in its entirety, was submitted with the most recent revisions to the APCR, adopted on July 5, 2014. This action, although not contemplated as part of that rulemaking, had the effect of the Agency reinstating the Stage II rule. The Agency does not have the statutory authority to codify or enforce the Stage II rule, therefore we are again removing it from the APCR. Because this action is purely administrative in nature, and does not represent any substantive regulatory change, the Agency finds it appropriate to include this change in this stage of the rulemaking process. This change will remove any confusion that operators of gasoline dispensing facilities may have over the re-appearance of the Stage II rule in the APCR, and will also comply with 10 V.S.A. §583 which removes the Agency's authority to codify and enforce any further rules pertaining to Stage II.
 - b. Therefore, Section 5-253.7 will be revised to read “[REPEALED] Repealed pursuant to 10 V.S.A. §583(a), eff. January 1, 2013.”

Administrative Procedures – Final Proposed Rule Coversheet

Instructions:

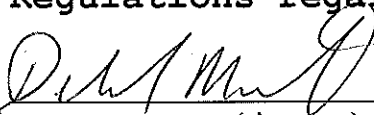
In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).

All forms submitted to the Office of the Secretary of State, requiring a signature shall be hand signed original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted, no later than 3:30 pm on the last scheduled day of the work week.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Title: Amendments to the Air Pollution Control Regulations regarding gasoline vapor recovery

 _____, on 11-19-14 _____.
 (signature) (date)

Printed Name and Title:
 Deborah Markowitz, Secretary
 Agency of Natural Resources

RECEIVED BY: _____

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Approval received by E-mail.
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Amendments to the Air Pollution Control Regulations regarding gasoline vapor recovery

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

14P-049

3. ADOPTING AGENCY:

Agency of Natural Resources

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Dave Shepard

Agency: Agency of Natural Resources

Mailing Address: Air Quality and Climate Division

Davis Building - 2nd Floor

1 National Like Drive

Montpelier, VT 05620-3802

Telephone: 802 272 - 4088 ext.

Fax: 802 828 - 1399

E-Mail: dave.shepard@state.vt.us

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://www.anr.state.vt.us/air/htm/ProposedAmendments.htm>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Megan O'Toole

Agency: Agency of Natural Resources

Mailing Address: Air Quality and Climate Division

Davis Building - 2nd Floor

1 National Life Drive

Montpelier, VT 05620-3802

Telephone: 802 249 - 9882 ext.

Fax: 802 828 - 0139

E-Mail:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

10 VSA 553, 10 VSA 554(2), 10 VSA 583

7. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
8. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
9. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
10. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
11. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

12. **CONCISE SUMMARY (150 WORDS OR LESS):**

These amendments to the Air Pollution Control Regulations (APCR) will clarify and provide additional flexibility to several definitions relating to gasoline storage and distribution, clarify requirements in the existing Stage I vapor recovery regulation and will improve the consistency of the APCR with federal requirements for gasoline dispensing facilities. The amendments will help to ensure that reduction in the emissions of gasoline vapors containing volatile organic compounds (VOCs) and hazardous air contaminants (HACs) targeted by the existing Stage I regulation are maintained and enhanced.

The public comment period and hearing for this rule has served as the comment period and hearing required under 40 C.F.R. §51.102 for corresponding revision to Vermont's State Implementation Plan (SIP) to comply with the Clean Air Act (CAA).

13. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

The rulemaking is necessary to clarify requirements in the existing Stage I vapor recovery regulation and improve consistency of the APCR with the federal regulation for gasoline dispensing facilities. The amendments will also help maintain the reduction in emissions of VOCs and HACs that has been achieved by previous and existing vapor recovery requirements.

Minor amendments to the definitions section of the APCR are necessary to clarify, simplify, and enhance consistency with other sections of the APCR. Proposed amendments to the bulk gasoline terminal and bulk gasoline plant regulations are intended to clarify existing requirements.

These revisions are also necessary to ensure that Vermont's air program complies with the CAA to enable the Air Quality and Climate Division to continue implementation of CAA requirements in Vermont.

14. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

The proposed rule amendments will potentially affect bulk gasoline terminal, bulk gasoline plant, and gasoline dispensing facility (GDF) owners, operators, and businesses that serve those industries, state government and the public.

15. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):

The only anticipated economic impact is to some GDFs that may need to install updated equipment to comply with amendments to the Stage I vapor recovery regulation. The equipment and estimated costs are likely to vary from GDF to GDF with some needing more components and others already equipped with some or all of the needed equipment. For those GDFs that do need to install new components the estimated cost ranges from \$435 to \$2343 per facility. The range in cost is based on how many components a particular GDF needs to install and the type of equipment chosen by the GDF owner. It is likely that most GDFs affected will already have the required components in place.

16. A HEARING WAS HELD.

17. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 10/29/2014

Time: 06:00 PM

Location: Pavilion Building - Auditorium

109 State Street
Montpelier, VT 05602

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

18. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

11/5/2014

19. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Gasoline

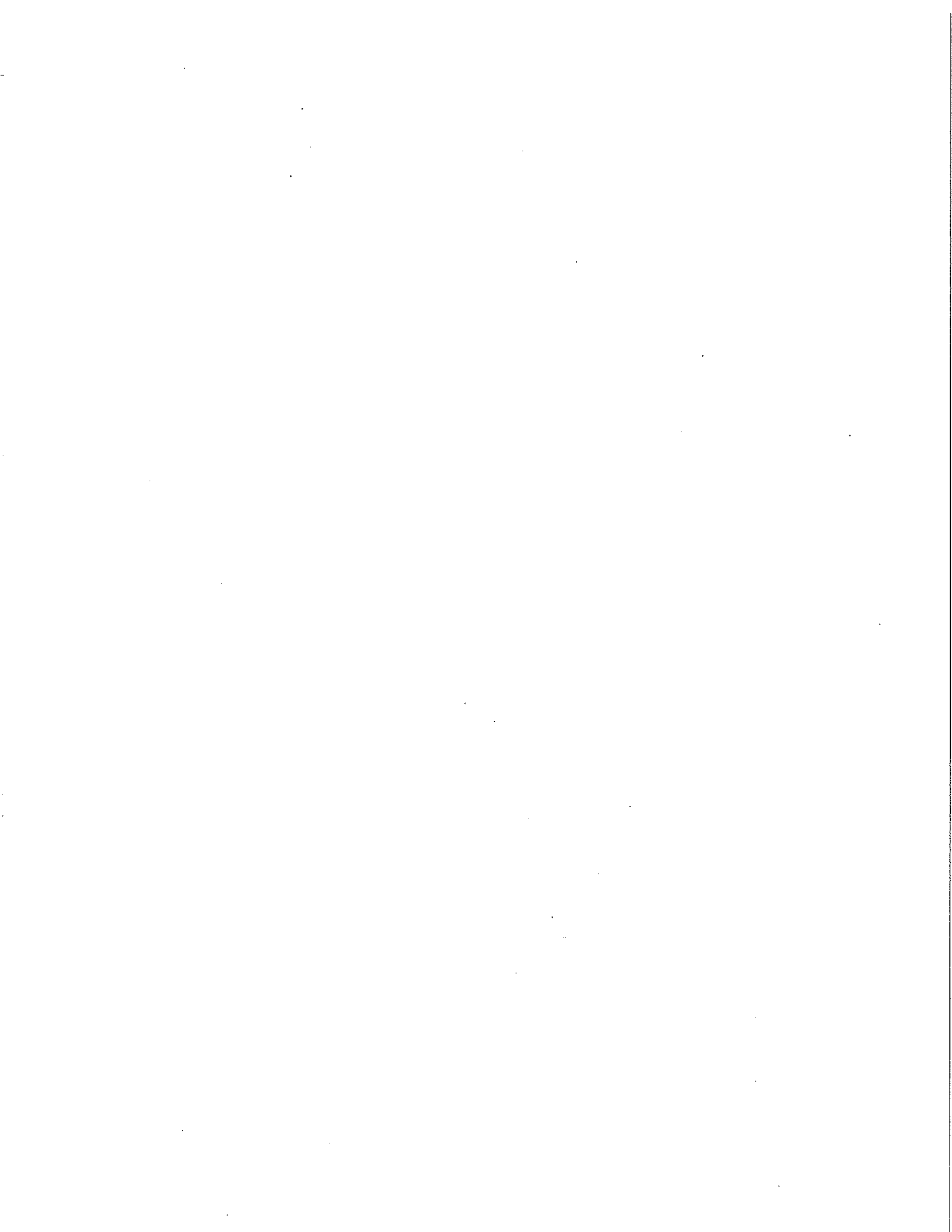
Stage I vapor recovery

Air Pollution Control Regulations

Gasoline dispensing facility

Clean Air Act

Run Spell Check



Administrative Procedures – Adopting Page

Instructions:

This form must be completed for each filing made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Amendments to the Air Pollution Control Regulations regarding gasoline vapor recovery

2. ADOPTING AGENCY:

Agency of Natural Resources

3. AGENCY REFERENCE NUMBER, IF ANY:

4. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

5. LAST ADOPTED (*PLEASE PROVIDE THE TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE*):

§5-101: Definitions, July 5, 2014

§5-253.2: Bulk Gasoline Terminals, November 13, 1992

§5-253.3: Bulk Gasoline Plants, April 20, 2001

§5-253.5: Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities, November 13, 1992

S5-253.7: Stage II Vapor Recovery at Gasoline Dispensing
Facilities, April 20, 2001

Run Spell Check

Administrative Procedures – Economic Impact Statement

Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

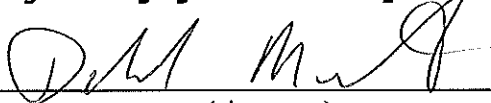
Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

Rule Title: Amendments to the Air Pollution Control Regulations regarding gasoline vapor recovery

 , on 11-19-14 .
(signature) (date)

Printed Name and Title:

Deborah Markowitz, Secretary
Agency of Natural Resources

BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS RULE.

1. TITLE OF RULE FILING:

Amendments to the Air Pollution Control Regulations

2. ADOPTING AGENCY:

Agency of Natural Resources

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

The proposed rule amendments will potentially affect bulk gasoline terminal, bulk gasoline plant and gasoline dispensing facility (GDF) owners, operators, and businesses that serve those industries, state government and the public.

The amendments to the bulk gasoline terminal and bulk gasoline plant regulations clarify existing requirements, and therefore will not add any new requirements and are not expected to have any associated cost.

Amendments to the Stage I regulation will incorporate into the Air Pollution Control Regulations (APCR) many of the requirements of the federal regulation pertaining to GDFs (40 CFR Part 63 Subpart CCCCC). The proposed testing requirement is identical to the existing federal regulation, so no additional cost will be imposed for testing. The equipment requirements for GDFs may result in additional costs. The application of this requirement, as well as other facets of the proposed regulations, will depend on the GDF's monthly throughput of gasoline. When a GDF has a higher monthly throughput, their potential emissions are higher, and accordingly there will be greater applicability of the proposed Stage I rule. Therefore, the equipment requirements proposed will vary from GDF to GDF with some needing more components and some already equipped with the necessary equipment. For those GDFs that do need to install new components, the estimated cost ranges from \$435 to \$2343 per facility. It is not possible to estimate the total cost of the equipment requirements state-wide, however it is estimated that there will be few GDFs that will incur the maximum cost. The range in cost is based on how many components a particular

GDF needs to install and the type of equipment chosen by the GDF owner. Many GDFs, however, already have the proposed required equipment in place, and therefore won't incur any costs as a result of the proposed amendments. The cost for annual maintenance is estimated at \$55 per storage tank or \$165 per year for a typical GDF with three storage tanks if a GDF owner uses an outside contractor to perform this work. The cost could be lower if maintenance is done by the owner.

The public will benefit from the proposed amendments by reduced emissions of VOCs and HACs. It is unlikely that the proposed amendments will result in an increase in the cost of gasoline. Any price increase, due to GDFs passing the cost of compliance onto the consumer, would be negligible.

It is not anticipated that there will be any significant costs to state government as the implementation of the proposed amendments will not require any additional resources.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS:

The proposed amendments are expected to have no direct economic impact to schools. As members of the public, they would expect to benefit from air pollution control programs.

5. COMPARISON:

COMPARE THE ECONOMIC IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The bulk terminal and bulk plant amendments are not expected to have any economic impact, and therefore no alternatives were considered.

The amount of emissions controlled and procedures imposed by the proposed amendments to the Stage I vapor recovery rule are directly related to gasoline throughput. GDFs with a higher monthly gasoline throughput are likely to have higher emissions. These types of GDFs are more likely to 1) not incur any economic impact because they already have the proposed equipment in place, and/or 2) already have the required resources in place to comply with the procedures associated with the proposed amendments. Also, if the amendments to the Stage I regulation were not adopted many of the proposed provisions, such as testing, would still be imposed by federal rules. Therefore, since economic impacts are likely to be minimal, no alternatives were considered.

In consideration of their lower potential emissions, there are fewer requirements for GDFs with a gasoline throughput of less than 100,000 gallons/month. Even though GDFs with a monthly throughput of lower than 100,000 gallons/month would be more likely to be considered a small business, by definition, separate requirements for small businesses would reduce the effectiveness of the rule since emissions are closely related to gasoline throughput rather than the number of employees. In addition, the AQCD does not have an efficient means to determine which GDFs qualify as small businesses and the federal rule does not have different requirements for small business. Therefore, alternative regulation for these types of GDFs was not considered.

6. FLEXIBILITY STATEMENT:

COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:

The Agency believes that ability to pay for any additional cost associated with the proposed amendments is more directly related to gasoline throughput than to the number of people a business employs. To that end, the proposed amendments to the Stage I regulation have fewer requirements for GDFs likely to qualify as small businesses (those with gasoline throughput of less than 100,000 gallons/month). Therefore, alternatives to the regulation were not considered as economic impacts to small businesses are likely to be minimal.

7. GREENHOUSE GAS IMPACT: EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:

A. TRANSPORTATION —

IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS (e.g., "THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS" OR "LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE. "):

These proposed amendments are anticipated to have a direct positive impact on greenhouse gas emission related to transportation. Emissions of VOCs from GDFs can contribute to the formation of tropospheric ozone, a gas involved in atmospheric warming. By reducing the emission of VOCs from GDFs, Stage I vapor recovery can help to reduce the formation of tropospheric ozone.

B. LAND USE AND DEVELOPMENT —

IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., "THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY

DOWNTOWN DEVELOPMENT.” OR “THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND/OR AGRICULTURAL LAND.”);

These amendments are not anticipated to have any impact on land use and development.

C. BUILDING INFRASTRUCTURE —

IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., “THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS.” OR “THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION.”));

These amendments are not anticipated to have any impact on heating, cooling and electricity consumption of buildings.

D. WASTE GENERATION / REDUCTION —

IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE, AND RECYCLING OPPORTUNITIES AVAILABLE (e.g., “THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS.” OR “AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A ‘METHANE TO ENERGY PROJECT’.”));

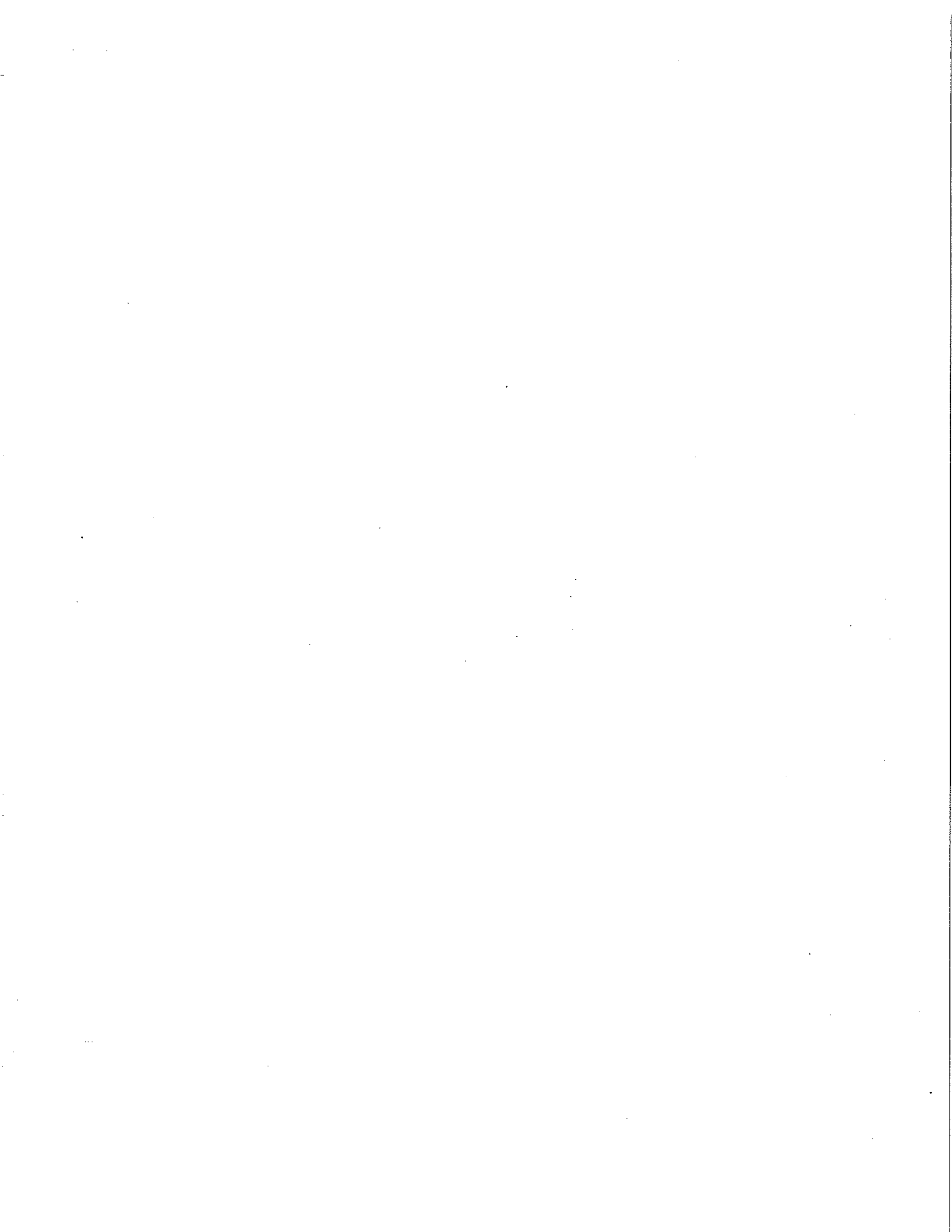
None.

E. OTHER —

IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:

None.

Run Spell Check



Administrative Procedures – Public Input Statement

Instructions:

In completing the public input statement, an agency describes what it did do, or will do to maximize the involvement of the public in the development of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

1. TITLE OF RULE FILING:

Amendments to the Air Pollution Control Regulations regarding gasoline vapor recovery

2. ADOPTING AGENCY:

Agency of Natural Resources

3. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Agency held a stakeholder meeting with representatives of the gasoline dispensing facility (GDF) industry on June 24, 2014 to discuss the proposed amendments to the Stage I vapor recovery regulation and take comments. The industry representatives were provided with a draft of the amended regulation prior to the meeting and were given until July 11th to provide any additional written comments. We alerted the stakeholder group when the draft rule amendments were formally proposed to solicit any additional comments. No additional comments from stakeholders were received. The only formal comments submitted were from the EPA. A public hearing was held on October 29, 2014 in Montpelier, however no members of the public were in attendance.

The proposed rule amendments have been noticed in accordance with Vermont Administrative Procedure Act requirements, as well as federal Clean Air Act requirements, and posted on the Air Quality and Climate

Division website. Copies of the proposed rule amendments have been made available at the Air Quality and Climate Division offices located in Montpelier.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

As described above, the Agency engaged in a stakeholder meeting with representatives of the GDF industry to get their input to the rule prior to filing the proposed rule. The invited representatives included GDF owners and industry lobbyists. The Agency also took steps to vet the proposed amendments internally with other programs that may be affected by the changes to the Stage I rule.

Stakeholders engaged or invited to engage include:

Waste Management and Prevention Division, Vermont
Department of Environmental Conservation

Vermont Petroleum Association

RL Vallee, Inc.

Cumberland Farms

W Parker Corp.

SB Collins

Sherman V. Allen, Inc.

AR Sandri Co.

Champlain Oil Co.

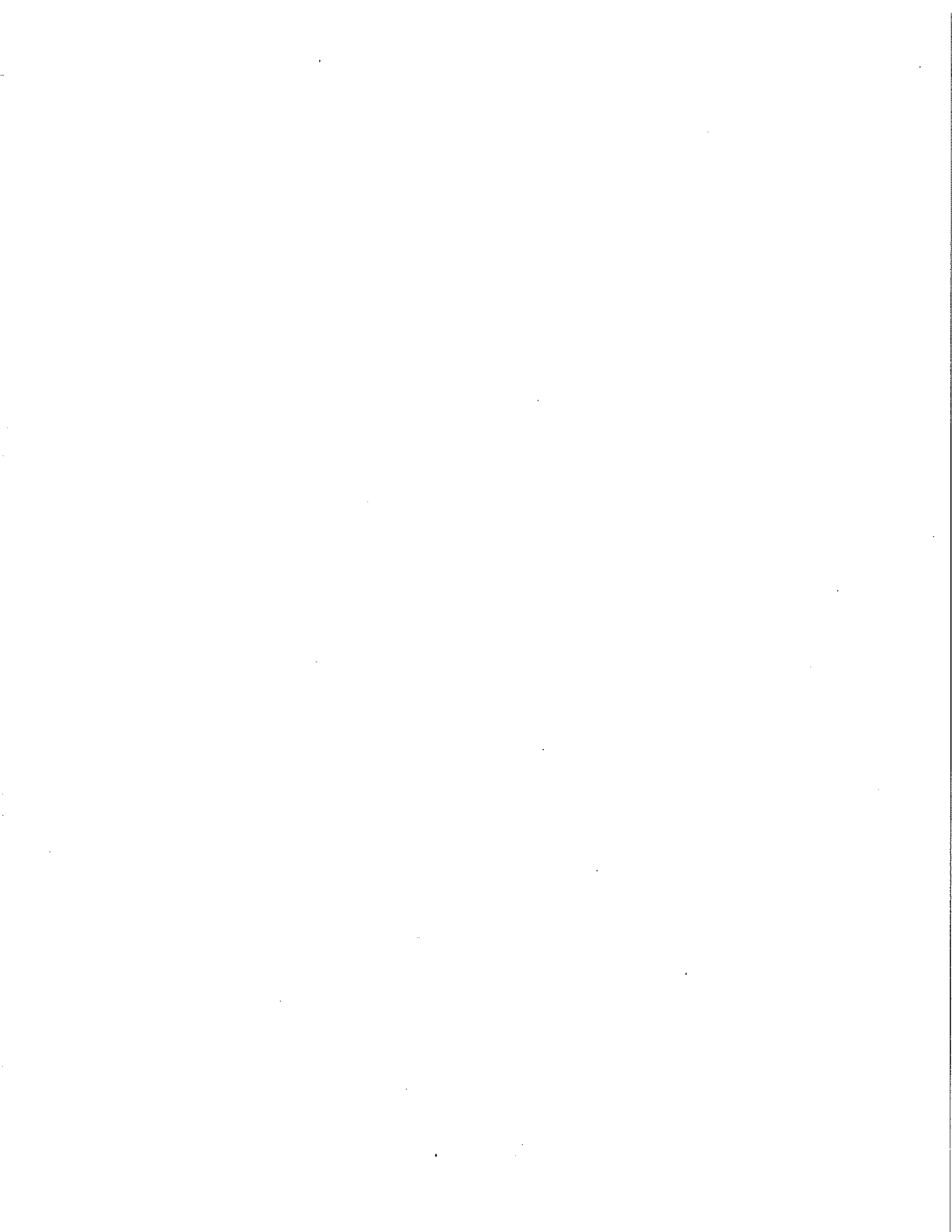
Vermont Retail and Grocers Assoc.

Northeast Petroleum Council

D&M Petroleum

Petropreneur

Run Spell-Check



Administrative Procedures – Incorporation by Reference Statement

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and why the full text was not reproduced within the rule.

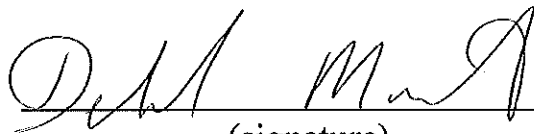
This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g. federal or national standards, or regulations).

Copies of incorporated materials will be held by the Office of the Secretary of State until adoption or formal withdrawal of the rule is complete. Materials will be returned to the agency upon completion of the rule.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I certify that the text of the matter incorporated has been reviewed by an official of the agency. I further certify that the agency has the capacity and intent to enforce the rule entitled:

Rule Title: Amendments to the Air Pollution Control Regulations regarding gasoline vapor recovery

 _____, on 11-19-14
(signature) (date)

Printed Name and Title:

Deborah Markowitz, Secretary
Agency of Natural Resources

1. TITLE OF RULE FILING:

Amendments to the Air Pollution Control Regulations

2. ADOPTING AGENCY:

Agency of Natural Resources

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

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

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

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 21, 1994

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

4. OBTAINING COPIES: (*EXPLAIN HOW THE MATERIAL(S) CAN BE OBTAINED BY THE PUBLIC, AND AT WHAT COST*):

Copies of the test methods can be found for free at:

For TP-201.3:

<http://www.arb.ca.gov/testmeth/vol2/2000vol2.htm>

For copies of this test method, contact Dave Shepard at the Air Quality & Climate Division at 272-4088 or dave.shepard@state.vt.us

For TP-201.1E:

<http://www.arb.ca.gov/testmeth/vol2/2003vol2.htm>

For copies of this test method, contact Dave Shepard at the Air Quality & Climate Division at 272-4088 or dave.shepard@state.vt.us

For ST-30:

This method has not been published online. For copies of this test method, contact Dave Shepard at the Air Quality & Climate Division at 272-4088 or dave.shepard@state.vt.us

5. MODIFICATIONS (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

There are no modifications; the test methods are referenced in their entirety.

6. REASONS FOR INCORPORATION BY REFERENCE (*EXPLAIN WHY THE AGENCY DECIDED TO INCORPORATE THE MATERIALS RATHER THAN REPRODUCE THE MATERIAL IN FULL WITHIN THE TEXT OF THE RULE*):

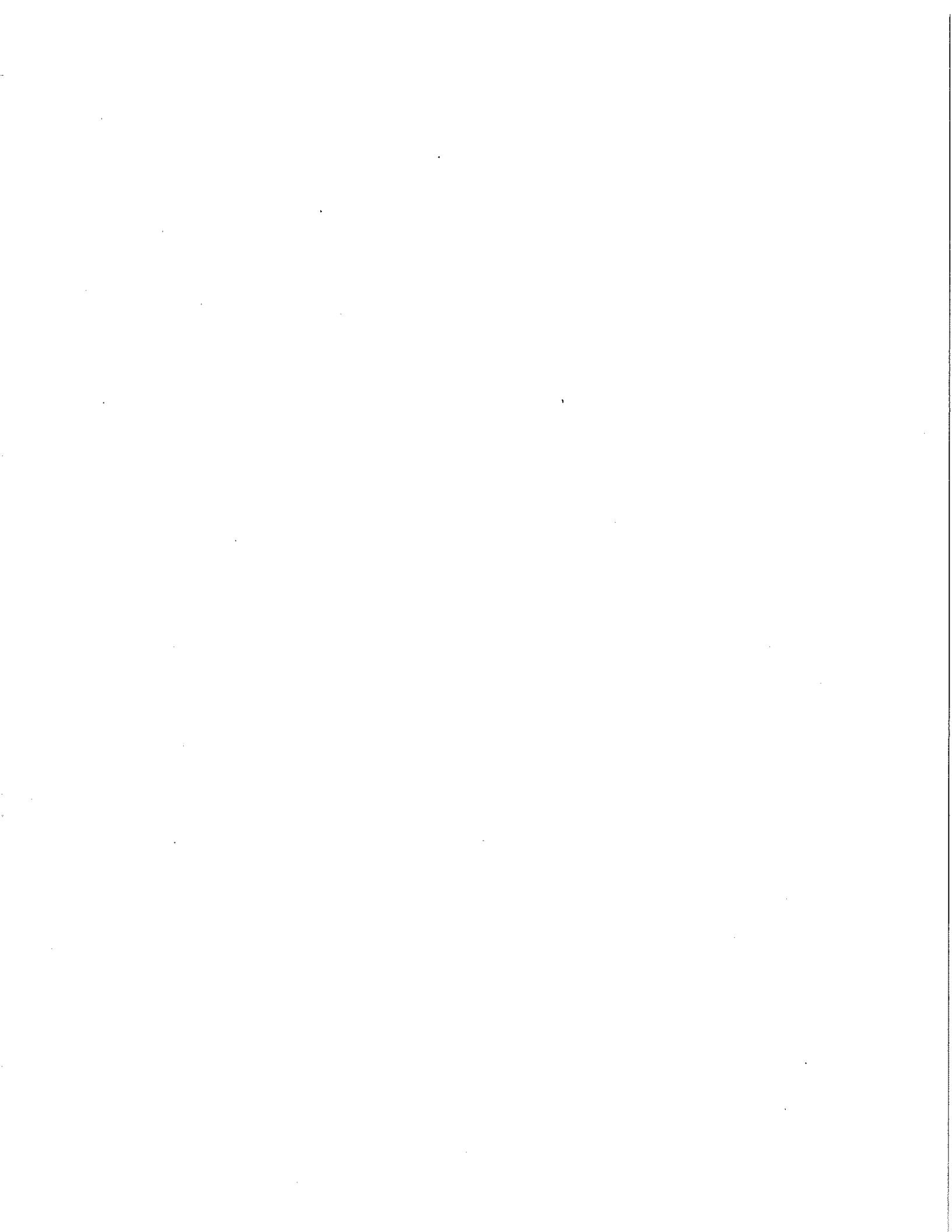
These test methods are technical, detailed and lengthy. Reproducing them in full within the rule would add considerably to the length of the rule.

7. THE INCORPORATED MATERIALS HAVE BEEN REVIEWED BY THE FOLLOWING OFFICIAL OF THE AGENCY:

Dave Shepard, Compliance Section, Air Quality and Climate Division, Department of Environmental Conservation

8. THE ADOPTING AGENCY REQUESTS THAT ALL COPIES OF INCORPORATED MATERIALS BE RETURNED TO THE AGENCY

Run Spell Check

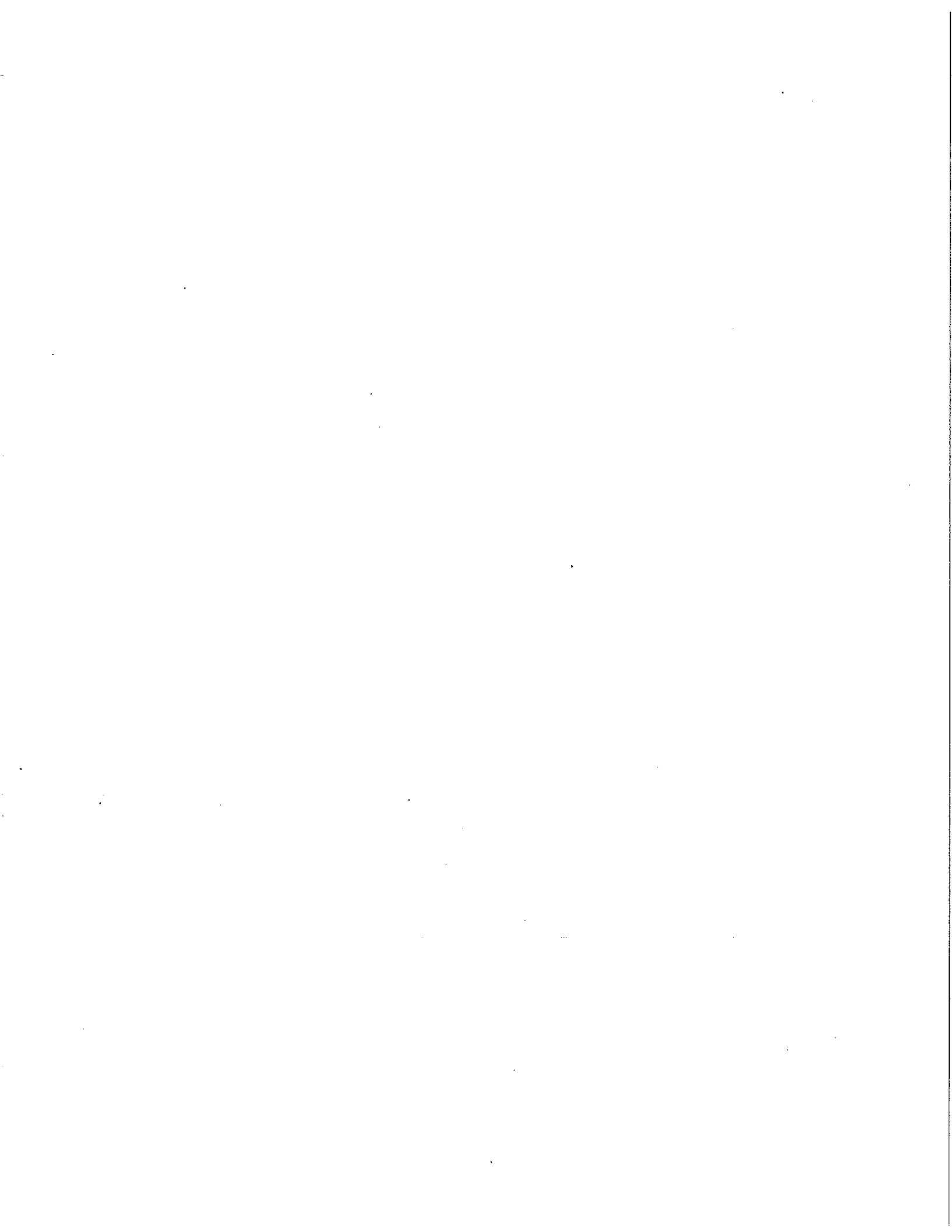


5-253.2 Bulk Gasoline Terminals

- (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.

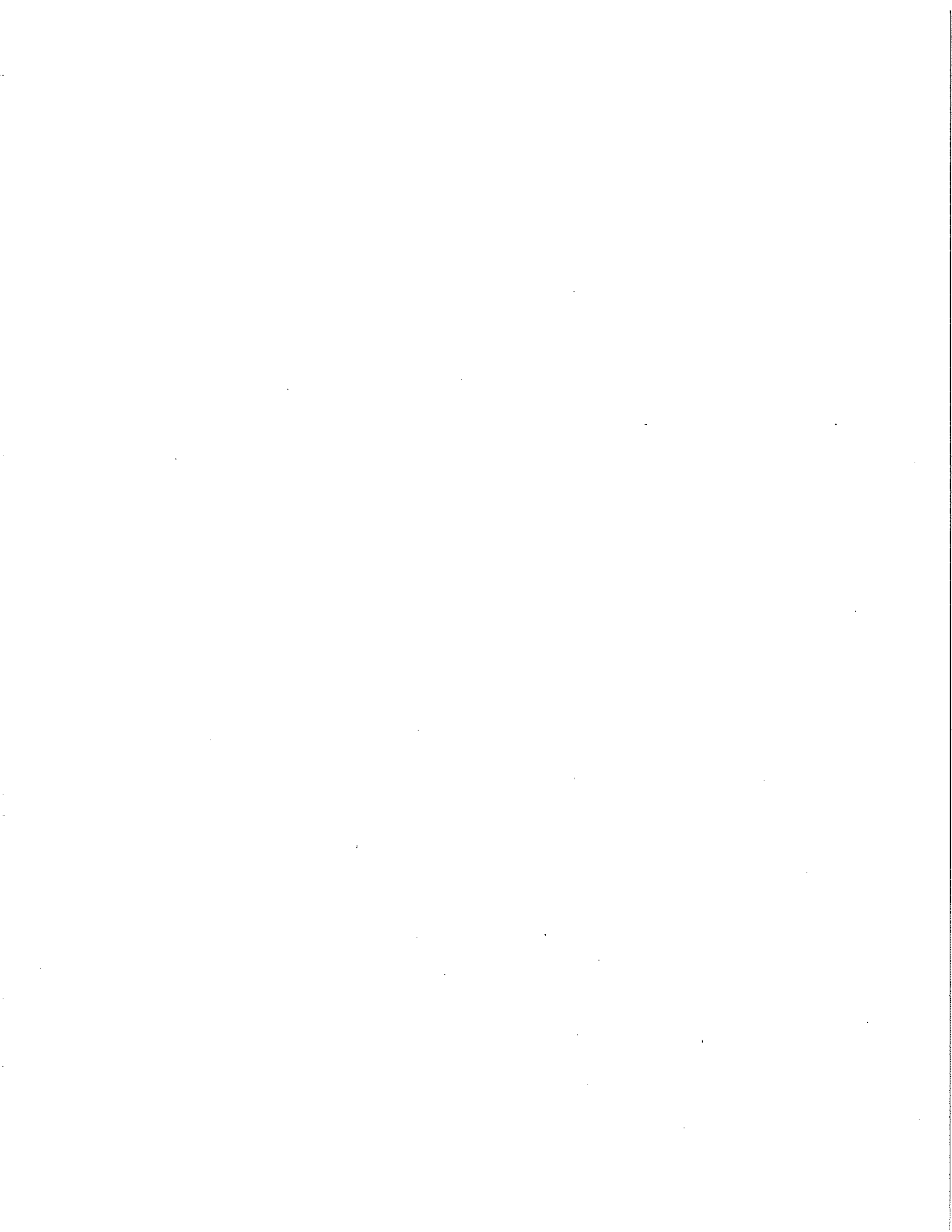
(c) Inspection and monitoring requirements.

- (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.



AGENCY OF NATURAL RESOURCES
Waterbury, Vermont

ENVIRONMENTAL PROTECTION REGULATIONS

CHAPTER 5

AIR POLLUTION CONTROL

Subchapter II. Prohibitions

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

(a) Applicability.

- (1) This subsection 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, ~~The following gasoline dispensing facilities which receive deliveries from account trucks only are exempt from the provisions of this subsection. except that submerged fill shall be used to fill gasoline storage tanks:~~
 - ~~(i) Gasoline dispensing facilities which receive deliveries from account trucks only; and~~
 - ~~(ii) The owner or operator of a gasoline storage tank with a capacity of less than 550 gallons that is used specifically for the fueling of implements of husbandry.~~
- (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:and t
 - (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:

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

Where:

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 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;

- ~~(i)~~(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 adaptors 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

~~(i)~~(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. ~~Owners or operators of gasoline dispensing facilities subject to this subsection shall inspect the Stage I vapor recovery system for visible liquid leaks, and repair and replace any worn or ineffective component or element immediately to ensure the vapor-tight integrity and efficiency of the Stage I vapor recovery system.~~

(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.
- (fe) Record keeping and Reporting.
- (1) The owners or operators of a gasoline dispensing facilities facility subject to this subsection shall keep written 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. for a minimum of three years. These records shall be available during normal business hours and copies shall be provided to the Air Pollution Control Officer upon request.
- (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.

~~(f) Compliance schedule.~~

(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.

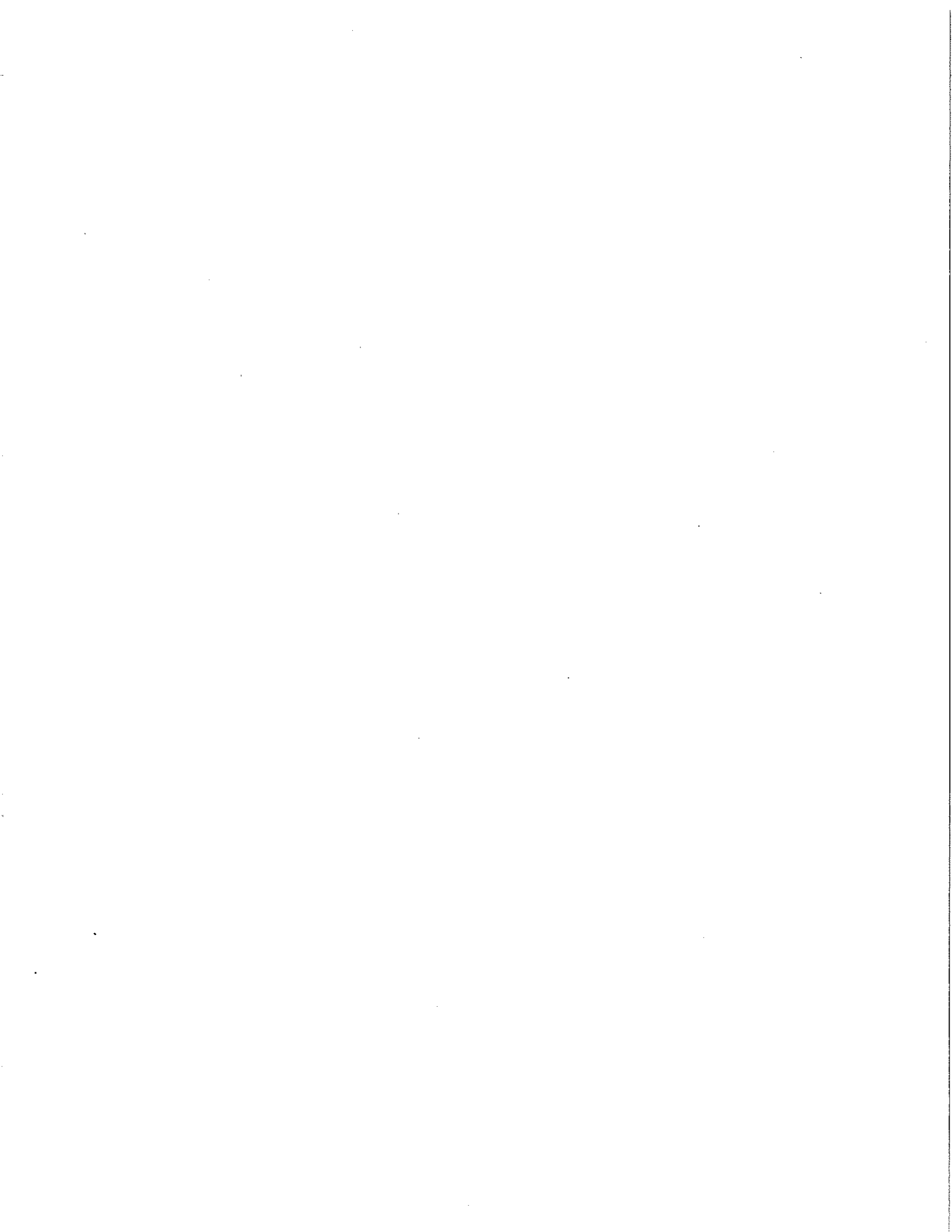
(ii) Any gasoline dispensing facility existing on July 1, 2015 at which a new gasoline storage tank or tanks are installed shall comply with subsection (c)(1)(ix) of this section upon startup of operation of the first new tank.

(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.

~~(1) Gasoline dispensing facilities with an annual throughput of 500,000 gallons or greater shall comply with this subsection on or before January 1, 1994;~~

~~(2) Gasoline dispensing facilities with an annual throughput of less than 500,000 but of 120,000 gallons or greater, shall comply with this subsection on or before May 31, 1995; and~~

~~(3) Gasoline dispensing facilities with an annual throughput of less than 120,000 gallons shall comply with this subsection by January 1, 1997.~~



~~5-253.7 Stage II Vapor Recovery Controls at Gasoline Dispensing Facilities [REPEALED]~~

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

- ~~(1) This subsection shall apply to any gasoline dispensing facility with an annual gasoline throughput of 400,000 gallons or more in the 1994 calendar year, or any year thereafter.~~
- ~~(2) Any gasoline dispensing facility is exempt from this subsection if:
 - ~~(i) The average of its annual gasoline throughput for the calendar years 1994, 1995, 1996 and 1997 is less than 380,000 gallons per year; and,~~
 - ~~(ii) Its annual gasoline throughput for any calendar year later than 1997 does not exceed 400,000 gallons.~~~~
- ~~(3) Gasoline dispensing facilities that receive deliveries solely from account trucks are exempt from this subsection.~~
- ~~(4) Once a facility is subject to this subsection, it shall remain so, even if the throughput falls below the applicability threshold.~~

~~(b) Definitions. For the purpose of this subsection, the following definitions apply:~~

~~Approved Stage II vapor recovery system means a system designed to recover, when properly used, a minimum of 95 percent by weight of the gasoline vapors displaced or drawn from a vehicle fuel tank during refueling and remove the vapors to a vapor tight holding system or vapor collection and control system. An approved Stage II vapor recovery system shall also:~~

- ~~(1) be a type certified in an Executive Order issued by the California Air Resources Board (CARB), or a type specifically approved by the Air Pollution Control Officer; and~~
- ~~(2) not contain any components (e.g. remote vapor check valves in a balance system) that would significantly impede the performance of the functional tests required in paragraph (c).~~

~~Executive Order means a certification document issued by the California Air Resources Board approving a Stage II system for use.~~

~~Vapor recovery piping means piping intended to transfer gasoline vapor from the dispenser island to a vapor tight holding system or vapor~~

~~collection and control system for the purpose of accommodating Stage II vapor recovery.~~

~~(c) Prohibitions.~~

~~(1) No owner or operator of a gasoline dispensing facility, shall transfer, permit the transfer, or provide equipment for the transfer of gasoline from a stationary storage tank at a gasoline dispensing facility into a motor vehicle fuel tank after the compliance date for that facility pursuant to paragraph (g)(2), if any, unless an approved Stage II vapor recovery system has been installed and is properly used during the transfer.~~

~~(2) No owner or operator of a gasoline dispensing facility shall:~~

~~(i) repair, modify or permit the repair or modification of an approved Stage II vapor recovery system or its components in such a manner that they are different from their approved configuration, except as approved in advance by the Air Pollution Control Officer, or~~

~~(ii) alter or otherwise render inoperative any component of an approved Stage II vapor recovery control system in a manner that would impair the operation or effectiveness of the system.~~

~~(d) Standards.~~

~~(1) The owner or operator of a gasoline dispensing facility shall provide adequate training and instruction to all operators and employees of the gasoline dispensing facility in the proper operation and maintenance of the approved Stage II vapor recovery system installed at the gasoline dispensing facility prior to initial operation of the system.~~

~~(2) The owner or operator shall maintain all approved Stage II vapor recovery systems and gasoline dispensing equipment to be vapor tight and leak free as determined by functional testing as described in paragraph (c) or visual observation.~~

~~(3) The owner or operator of a gasoline dispensing facility shall maintain all approved Stage II vapor recovery systems in good working order, at all times, in accordance with the manufacturer's specifications and such that they are free from any of the following defects:~~

- ~~(i) Absence or disconnection of any component required to be used in the approved Stage II vapor recovery system.~~
 - ~~(ii) A vapor recovery hose that is crimped or flattened such that the vapor passage is blocked.~~
 - ~~(iii) A nozzle boot that is torn in one or both of the following ways:
 - ~~(A) A triangular shaped or similar tear more than $\frac{1}{4}$ inch on a side, or a hole more than $\frac{1}{4}$ inch in diameter.~~
 - ~~(B) A slit one inch or more in length.~~~~
 - ~~(iv) A faceplate vapor escape guard or equivalent device that is damaged in the following manner:
 - ~~(A) For balance nozzles, such damage that the capability to achieve a seal with a fill pipe is affected for 1/4 of the circumference of the faceplate (accumulated).~~
 - ~~(B) For nozzles for vacuum assist type systems damage to the vapor escape guard or equivalent device sufficient to render it defective as specified in the relevant Executive Order.~~~~
 - ~~(v) A nozzle with a malfunctioning shutoff mechanism.~~
 - ~~(vi) Vapor return lines, including such components as swivels, anti recirculation valves, and underground piping, that malfunction or are blocked.~~
 - ~~(vii) A vapor processing unit that is inoperative.~~
 - ~~(viii) A vacuum producing device that is inoperative.~~
 - ~~(ix) Pressure/vacuum relief valves, vapor check valves or dry breaks that are inoperative.~~
 - ~~(x) Any equipment defect identified by an Agency representative as substantially impairing the effectiveness of the system in reducing refueling vapor emissions.~~
- ~~(4) The owner or operator of a gasoline dispensing facility shall ensure that weekly equipment inspections are conducted. The weekly inspections shall include all of the following:~~

- ~~(i) A visual inspection of refueling of motor vehicles to ensure that each flow shut-off mechanism is working properly;~~
 - ~~(ii) A visual inspection of all boots, hoses, and faceplates for tears or rips;~~
 - ~~(iii) A visual inspection of all above-ground dispensing equipment for any gasoline leaks; and~~
 - ~~(iv) A visual inspection of all gasoline and vapor recovery hoses for tightness and bends which may impede vapor recovery.~~
- ~~(5) Upon identification of any of the defects described in subparagraph (d) (3), the owner or operator shall immediately tag "Out of Order" any dispensing equipment for which vapor recovery has been impaired and prohibit the use of the system or components until the component is repaired, replaced or adjusted, as necessary; and is in good working order.~~
- ~~(6) Any component of the system identified as defective that is not listed in subparagraph (d) (3), may remain in operation but shall be repaired or replaced within 15 days after such identification.~~
- ~~(7) In the case of defects described in subparagraph (d) (3) and identified by an Agency representative, the owner or operator shall not return the defective equipment to service until the defect is corrected, and an Agency representative has reinspected the equipment or has authorized its use.~~
- ~~(8) By May 15 of each year, the owner or operator of a gasoline dispensing facility shall perform one of the following actions:~~
- ~~(i) Conduct a functional test or tests of the approved Stage II vapor recovery system, using the methods prescribed by the Air Pollution Control Officer and in accordance with the procedures in paragraph (e) of this subsection and perform any necessary maintenance and retest until the system passes all tests; or~~
 - ~~(ii) Perform the following maintenance on the approved Stage II vapor recovery system:
 - ~~(A) Replace all Stage I vapor adaptors (dry breaks or poppet valves) in the system;~~~~

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- ~~(B) Inspect the following components for vapor leakage and tighten, if necessary: fill caps, fill adaptors, in-tank monitor caps, spill bucket drain valves and other components identified by the Air Pollution Control Officer; and,~~
 - ~~(C) Replace any damaged or defective component that is impairing the effectiveness of the system in reducing refueling vapor emissions.~~
- ~~(9) The owner or operator of a gasoline dispensing facility shall post operating instructions for the proper dispensing of gasoline using the approved Stage II vapor recovery system in a conspicuous place; visible to, and of a print size easily read by the user of each nozzle. The instructions shall include the following:~~
- ~~(i) A clear description of the proper procedure to dispense gasoline using the system; and~~
 - ~~(ii) A warning not to attempt to continue refueling after the automatic shutoff has engaged; and~~
 - ~~(iii) A telephone number to be used to report to the Air Pollution Control Officer any problems experienced with the system.~~
- ~~(e) Testing.~~
- ~~(1) Initial testing.~~
 - ~~(i) Initial compliance testing shall be conducted to verify proper installation and function of the entire approved Stage II vapor recovery system (both underground piping and aboveground equipment). The owner or operator shall perform all tests and follow all test procedures required by the CARB Executive Order, or other tests or procedures approved by the Air Pollution Control Officer, for the system installed.~~
 - ~~(ii) The owner or operator of a gasoline dispensing facility shall notify the Air Pollution Control Officer at least 5 days in advance as to when the testing will occur and what party will conduct the testing.~~
 - ~~(iii) The owner or operator shall ensure the system passes this testing within 30 days of the applicable compliance date listed in paragraph (g) of this subsection. A copy of the test results shall be~~

~~submitted to the Air Pollution Control Officer within 30 days of completion of the testing.~~

~~(2) The owner or operator shall re-test the function of an approved Stage II vapor recovery system at least every 5 years or upon major system replacement or modification, whichever occurs first. This re-testing shall include all tests and procedures required for the initial system certification. Some or all of the functional tests shall also be performed upon the request of the Air Pollution Control Officer. Results of any testing shall be submitted to the Air Pollution Control Officer within 30 days of completion of the testing. A major system modification is considered to be the occurrence of any of the following:~~

~~(i) The repair or replacement of any gasoline storage tank that is equipped with an approved Stage II vapor recovery system;~~

~~(ii) The repair or replacement of any part of an underground piping system attached to a gasoline storage tank equipped with an approved Stage II vapor recovery system, excluding repairs that occur without excavation; or~~

~~(iii) The replacement of an approved Stage II vapor recovery system of one certified configuration with an approved Stage II vapor recovery system of a different certified configuration.~~

~~(3) The Air Pollution Control Officer may conduct testing of any approved Stage II vapor recovery system at any reasonable time to determine compliance with this subsection.~~

~~(f) Reporting and Record Keeping.~~

~~(1) Within 10 days of the applicable compliance date listed in paragraph (g), the owner or operator shall verify compliance with this subsection by completing and submitting to the Air Pollution Control Officer a compliance form, as provided by the Air Pollution Control Officer.~~

~~(2) The owner or operator of a gasoline dispensing facility subject to this subsection, shall maintain written records of weekly inspections and the maintenance, repair and/or replacement of the approved Stage II vapor recovery system or components. Such records shall contain a description and the duration of any failures of the system and components with the specific dates of repairs and/or replacement and the associated costs. Each record shall be maintained at~~

~~the facility for a minimum of three years. These records shall be made available for inspection during normal business hours and copies shall be provided to the Air Pollution Control Officer upon request.~~

- ~~(3) By June 15 of each year, in order to document compliance with subparagraph (d)(8) of this subsection, the owner or operator of a gasoline dispensing facility shall submit to the Air Pollution Control Officer an annual maintenance certification, on a form provided by the Air Pollution Control Officer, or the appropriate test report or reports.~~

~~(g) Compliance.~~

- ~~(1) Any gasoline dispensing facility with an annual throughput of 400,000 gallons of gasoline, or greater, shall comply with the requirements of this subsection according to the following schedule.~~

~~(i) By December 31, 1997 for a gasoline dispensing facility with an annual throughput of 1,200,000 gallons of gasoline or greater in calendar year 1994 or later; or~~

~~(ii) By December 31, 1998 for any gasoline dispensing facility with an annual throughput of 1,000,000 gallons of gasoline or greater in calendar year 1994 or later; or~~

~~(iii) By December 31, 1999 for any gasoline dispensing facility with an annual throughput of 700,000 gallons of gasoline or greater in calendar year 1994 or later; or~~

~~(iv) By December 31, 2000 for any other gasoline dispensing facility that is subject to this subsection.~~

- ~~(2) Any gasoline dispensing facility constructed after December 31, 2000, shall be in compliance with this subsection by the end of the first calendar year during which the annual gasoline throughput of the facility exceeds 400,000 gallons.~~

- ~~(3) Except for facilities constructed after December 31, 2000, any gasoline dispensing facility that is initially exempt from the requirements of this subsection and later becomes subject to this subsection due to an increase in gasoline throughput shall comply with the requirements of this subsection by the end of the first calendar year following the year in which annual gasoline throughput exceeds 400,000 gallons.~~

~~(4) Any gasoline dispensing facility which, in the judgment of the Secretary, is in compliance with this subsection shall also be considered in compliance with Section 5-261 of this chapter.~~

AGENCY OF NATURAL RESOURCES

WATERBURY, VERMONT

ENVIRONMENTAL PROTECTION REGULATIONS

CHAPTER 5

AIR POLLUTION CONTROL

SUBCHAPTER I. DEFINITIONS*

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

* 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.

injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life, or property. Such 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 which receives *gasoline* from refineries and delivers *gasoline* to *bulk gasoline plants* or to commercial or retail accounts, and has a 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 (CO₂) 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 (HMSER)*" 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, *HMSER* shall be the lowest *emission rate* which the Secretary determines said source is capable of achieving, *HMSER* 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 *HMSER* 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

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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

Air Contaminant	Tons Per Year
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
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5×10^{-6}
Municipal waste combustor metals (measured as particulate matter)	15
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40
Municipal solid waste landfill emissions (measured as non-methane organic compounds)	50
Greenhouse gases	1. 2
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. ² For greenhouse gases, "significant" means a rate of emissions for total greenhouse gases, on a carbon dioxide equivalent (CO ₂ e) 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.	

"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. naptha 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.