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STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, Carl G. Beard, II, Secretary,
Title or Position

Air Pollution Control Commission, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify ()

This filing pertains to

Chapter 16
Article 20
Series XX
Section _____
Page No. _____

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

December 15, 1978
Date Submitted

Signature of Person Authorizing
this Filing - Carl G. Beard, II

NOTICE OF PUBLIC HEARINGS

Pursuant to the provisions of Chapter 16 and Chapter 29A of the Code of West Virginia and the Federal Clean Air Act, as amended, notice is hereby given that the West Virginia Air Pollution Control Commission will hold public hearings concerning proposed regulations to establish the means and methods for the attainment of National Ambient Oxidant Standards in Air Quality Control Region IV by the reduction of volatile organic compounds. On the same date, hearings will also be held concerning the following proposed regulations:

Regulation XIX - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From the Manufacturing and Use of Cutback Asphalt";

Regulation XX - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From Gasoline Service Stations Stage I";

Regulation XXI - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From the Storage of Petroleum Liquids in Fixed

Roof Tanks";

Regulation XXII - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From Bulk Gasoline Plants";

Regulation XXIII - "To Prevent and Control Air Pollution

From the Emission of Volatile Organic Compounds

From Bulk Gasoline Terminals";

Regulation XXIV - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds
From Petroleum Refinery Sources";

Regulation XXV - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Solvent Metal Cleaning Operations";

Regulation XXVI - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds
From Automobile and Light Duty Truck Manufacturing
Operations";

Regulation XXVII - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Can Manufacturing Operations";

Regulation XXVIII - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Metal Furniture Manufacturing Operations";

Regulation XXIX - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Paper and Textile Manufacturing Operations" and

Regulation XXX - "To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Large Appliance Manufacturing Operations".

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Proposed Regulation XXVI through Regulation XXX will apply to all of West Virginia, while proposed Regulation XIX through Regulation XXV will apply only to Air Quality Control Region IV.

The public hearings will be held on Tuesday, January 16, 1979, at 9:15 a.m. in the Charleston Civic Center "North Gallery" located on Reynolds Street, Charleston, Kanawha County, West Virginia.

Copies of the proposed additions to West Virginia's Implementation Plan are available for public inspection in the offices of the West Virginia Air Pollution Control Commission located at 1558 Washington Street, Charleston, West Virginia., and the West Virginia Air Pollution Control Commission's Northern Panhandle Regional Office located at 1911 Warwood Avenue, Wheeling, West Virginia.

Any person who desires to submit exhibits or other written material must submit the exhibits or documents and eleven (11) copies thereof.

The hearings are open to the public and comments from any person will be received and made part of the record.

Carl G. Beard, II
Secretary
West Virginia Air Pollution
Control Commission

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
AIR POLLUTION CONTROL COMMISSION

PROPOSED REGULATION

REGULATION XX

"TO PREVENT AND CONTROL AIR POLLUTION FROM
THE EMISSION OF VOLATILE ORGANIC COMPOUNDS
FROM GASOLINE SERVICE STATIONS STAGE I"

Proposed Regulation

A public hearing will be held concerning proposed additions to West Virginia's Implementation Plan relative to the attainment and maintenance of Ambient Air Quality Standards for Photochemical Oxidants (Ozone) on Tuesday, January 16, 1979, at 9:15 a.m. at the Charleston Civic Center "North Gallery" located on Reynolds Street, Charleston, Kanawha County, West Virginia. Following the hearing on proposed additions to the Implementation Plan, public hearings will be held, in consecutive order, concerning proposed Regulations XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX and XXX.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series XX
(1979)

Subject: Regulation XX - To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Gasoline Service Stations Stage I.

Section 1. Intent and Purpose.

It is the intent of the Commission that all persons engaged in the operation of gasoline dispensing facilities control the emission of volatile organic compounds during storage tank filling through the application of reasonably available control technology.

Section 2. Area Affected.

This regulation applies to sources located in West Virginia Air Quality Control Region IV (Putnam County, Kanawha County and Valley Magisterial District of Fayette County).

Section 3. Definitions.

3.01. "Air Pollution," 'statutory air pollution,' shall have the

meaning ascribed to it in Section Two of Chapter Sixteen,
Article Twenty of the Code of West Virginia, as amended.

- 3.02. "Approved" shall mean approved by the designated official of the West Virginia Air Pollution Control Commission.
- 3.03. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 3.04. "Construction" shall mean commencement of onsite fabrication, erection, or installation of an emission source, air pollution control equipment, or a facility.
- 3.05. "Control device" shall mean equipment (incinerator, adsorber, or the like) used to destroy or remove air pollutant(s) prior to discharge to the ambient air.
- 3.06. "Continuous vapor control system" shall mean a vapor control system that treats vapors displaced from tanks during filling on a demand basis without intermediate accumulation.
- 3.07. "Day" shall mean a 24-hour period beginning at midnight.
- 3.08. "Delivery Vessel" shall mean tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks

of gasoline dispensing facilities.

- 3.09. "Director" shall mean the director of the West Virginia Air Pollution Control Commission.
- 3.10. "Emission" shall mean the release or discharge, whether directly or indirectly, of any air pollutant into the ambient air from any source.
- 3.11. "Facility" shall mean any building, structure, installation, activity, or combination thereof which contains a stationary source of air contaminants.
- 3.12. "Gasoline" shall mean a petroleum distillate having a Reid vapor pressure of 27.6 kPa (4 pounds) or greater.
- 3.13. "Gasoline Dispensing Facility" shall mean any site where gasoline is dispersed to motor vehicle gasoline tanks from stationary storage tanks.
- 3.14. "Hydrocarbon" shall mean any organic compound of carbon and hydrogen only.
- 3.15. "Organic material" shall mean a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 3.16. "Operator" shall mean any person who leases, operates, controls or supervises a facility at which gasoline is dispersed.

- 3.17. "Owner" shall mean any person who has legal or equitable title to the gasoline storage tank at a facility.
- 3.18. "Person" shall mean any and all persons, natural or artificial, including any municipal, public or private corporation organized or existing under the laws of this or any other state or country, and any firm, partnership, or association of whatever nature.
- 3.19. "Reasonably available control technology" (also denoted as RACT) shall mean the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology that has been applied to similar, but not necessarily identical, source categories.
- 3.20. "Reid vapor pressure" shall mean the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-72 (Re-approved 1977).
- 3.21. "Standard conditions" shall mean a temperature of 20° C (68° F) and pressure of 760 millimeters of mercury

(29.92 inches of mercury).

- 3.22. "Submerged Fill Pipe" shall mean any fill pipe with a discharge opening which is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.
- 3.23. "Vapor collection system" shall mean a vapor transport system which uses direct displacement by the liquid loaded to force vapors from the tank into a vapor control system.
- 3.24. "Vapor control system" shall mean a system that prevents release to the atmosphere of at least 90 percent by weight of organic compounds in the vapors displaced from a tank during the transfer of gasoline.
- 3.25. "Volatile organic compound" (also denoted as VOC) shall mean any compound of carbon that has a vapor pressure greater than 0.1 millimeters of mercury at standard conditions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

Section 4. Control and Prevention of Emissions.

- 4.01. No owner or operator may transfer or cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank

described under paragraphs (a) and (b) of this Sub-Section, unless a submerged fill pipe is used and the vapors displaced from the storage tank during filling are processed by a vapor control system in accordance with Sub-Section 4.02.

(a) Any stationary storage tank located at a gasoline dispensing facility, with a capacity of 7,580 liters (2,000 gallons) or more, which is in place before _____; and,

(b) Any stationary storage tank located at a gasoline dispensing facility, with a capacity of 948 liters (250 gallons) or more, which is installed after _____.

4.02. The vapor control system required by Sub-Section 4.01 shall include one or more of the following:

(a) A vapor-tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,

(b) A refrigeration - condensation system or equivalent designed to recover at least 90 percent by weight of the organic compounds in the displaced vapor; or,

(c) A system demonstrated to have control efficiency equivalent to or greater than provided under paragraph (a) or (b) of this Sub-Section and approved by the Director.

4.03. The vapor-laden delivery vessel shall be subject to the following conditions:

(a) The delivery vessel must be designed and maintained to be vapor tight at all times; and,

(b) The vapor-laden delivery vessel may be refilled only at:

(1) approved bulk gasoline plants; or,

(2) approved bulk gasoline terminals.

4.04. Each owner of a control system described in Sub-Sections 4.01 and 4.02 shall;

(a) Provide instructions to the operator of the gasoline dispensing facility in a manner approved by the Director describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunctions of the control system; and,

(b) Repair, replace or modify any worn out or malfunctioning component or element of design and keep records in a manner approved by the Director, of the repair, replacement or modification of any component or element of design of the control system.

4.05. Each operator of a gasoline dispensing facility covered by Sub-Section 4.01 shall:

(a) Maintain and operate the control system in accordance with the specifications and the operating and maintenance procedures specified by the owner; and,

(b) Promptly notify the owner of the control system of any scheduled maintenance or malfunction requiring replacement or repair of major components of the system; and,

(c) Maintain records, in a manner approved by the Director, of all maintenance performed by the operator and of all notifications to the owner of any scheduled maintenance or malfunction requiring replacement or repair of major components of the system and the action taken by the owner of the control system. Such records shall at a minimum include:

(1) the scheduled date for maintenance or the date a malfunction was detected; and,

(2) the date the need for maintenance or malfunction of major system components was reported to the owner; and,

(3) the date the maintenance was performed or the malfunction corrected by either the operator or the owner; and,

(d) Maintain gauges, meters, or other specified testing devices in proper working order.

Section 5. Registration.

5.01. Within thirty (30) days after the effective date of this Regulation all persons owning and/or operating a gasoline dispensing facility subject to this Regulation and not previously registered shall have registered such facility(ies) with the Commission. The information

required for registration shall be determined and provided in the manner specified by the Director. Registration forms should be requested from the Director by the owner or operator of such facility(ies).

5.02. The owner or operator of a gasoline dispensing facility that is under construction or on which construction is initiated within thirty (30) days after the effective date of this Regulation shall register such source(s) within this thirty (30) day period.

Section 6. Permits.

After the effective date of this Regulation, no person shall construct or modify any gasoline dispensing facility subject to this Regulation without first obtaining a permit for such construction or modification. Applications for permits shall be made upon forms available from the Director and shall be filed no less than ninety (90) days prior to the construction or modification. These forms shall include such information as in the judgment of the Director will enable him to determine whether such source will be so designed as to operate in conformance with the provisions of this Regulation and the Code of West Virginia, and will not cause or contribute to the violation of Air Quality Standards. Within ninety (90) days of the receipt of an application the Director shall issue or deny such

permit in accordance with the provisions of Section Two of Chapter Sixteen, Article Twenty, Paragraph 11b of the Code of West Virginia, as amended, and Regulation XIII of this agency.

Section 7. Reports and Testing.

- 7.01. At such reasonable times as the Director may designate, the owner or operator of any gasoline dispensing facility may be required to conduct or have conducted tests to determine the compliance of such facility with the limitations of Section 4. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise his option to conduct such tests, the owner or operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment, and the required safety equipment to comply with generally accepted good safety practices.
- 7.02. The owner or operator of a gasoline dispensing facility may be required to maintain and submit to the Commission such records determined by the Director to be necessary to document the compliance of such facility with the provisions of Section 4 including, but not limited to, the records required under Sub-Section 4.05 (c).
- 7.03. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate

air pollution emissions other than those noted in Section 4.

7.04. The Commission may publish, and from time to time revise, detailed test procedures and reporting instructions implementing the provisions of this Regulation.

Section 8. Compliance Programs and Schedules.

8.01. In the event that a gasoline dispensing facility subject to this Regulation and in existence prior to the adoption of this Regulation does not meet the limitations of Section 4, an acceptable program to fully comply with this Regulation shall be developed and offered to the Commission by the person responsible for the facility. This program shall be submitted upon the request of, and within such time as shall be fixed by the Commission. Once this program has been approved by the Commission, the owner and/or operator of such facility shall not be in violation of this Regulation so long as the approved or amended program is observed.

8.02. In the event that an owner or operator of such a gasoline dispensing facility fails to submit a program or an acceptable program and schedule, the Commission shall, by order, determine the compliance program and schedule.

Section 9. Variance.

If the provisions of Section 4 cannot be satisfied due to unavoidable malfunction of equipment, the Director may permit the owner or

operator of a gasoline dispensing facility subject to this Regulation to continue to operate said facility for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the equipment malfunction. In cases of major equipment failure, additional time periods may be granted by the Commission provided a corrective program has been submitted by the owner or operator and approved by the Commission.

Section 10. Exemptions.

10.01. Transfers made to storage tanks of gasoline dispensing facilities equipped with floating roofs or their equivalent which have been approved by the Director shall be exempt from Sections 4 through 9.

10.02. Stationary gasoline storage containers of less than 2,085 liters (550 gallons) capacity used exclusively for the fueling of implements of husbandry shall be exempt from Sections 4 through 9 provided that a submerged fill pipe is used during filling.

Section 11. Effective Date.

Regulation XX shall become effective _____,

19 ____.