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

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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 XXII
 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

Carl G. Beard, II
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".

more more more

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 C. Beard, II
Secretary
West Virginia Air Pollution
Control Commission

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
AIR POLLUTION CONTROL COMMISSION

PROPOSED REGULATION

REGULATION XXII

"TO PREVENT AND CONTROL AIR POLLUTION FROM
THE EMISSION OF VOLATILE ORGANIC COMPOUNDS
FROM BULK GASOLINE PLANTS"

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 XXII
(1979)

Subject: Regulation XXII - To Prevent and Control Air Pollution
From the Emission of Volatile Organic Compounds From
Bulk Gasoline Plants.

Section 1. Intent and Purpose.

It is the intent of the Commission that all persons engaged in the operation of unloading, loading and storage facilities of all bulk gasoline plants and of all tank trucks or trailers delivering or receiving gasoline at such plants control the emission of volatile organic compounds 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. "Bottom filling" shall mean the filling of a tank truck or stationary storage tank through an opening that is flush with the tank bottom.
- 3.04. "Bulk gasoline plant" shall mean a gasoline storage and distribution facility with an average daily throughput of less than 76,000 liters (20,000 gallons) which receives gasoline from bulk terminals by trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.
- 3.05. "Bulk gasoline terminal" shall mean a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck; and has an average daily throughput of more than 76,000 liters (20,000 gallons) of gasoline.
- 3.06. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 3.07. "Condensate" shall mean hydrocarbon liquid separated from natural gas which condenses due to changes in the tem-

perature and/or pressure and remains liquid at standard conditions.

- 3.08. "Construction" shall mean commencement of onsite fabrication, erection, or installation of an emission source, air pollution control equipment, or a facility.
- 3.09. "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.
- 3.10. "Day" shall mean a 24-hour period beginning at midnight.
- 3.11. "Director" shall mean the director of the West Virginia Air Pollution Control Commission.
- 3.12. "Emission" shall mean the release or discharge, whether directly or indirectly, of any air pollutant into the ambient air from any source.
- 3.13. "Facility" shall mean any building, structure, installation, activity, or combination thereof which contains a stationary source of air contaminants.
- 3.14. "Gasoline" shall mean a petroleum distillate having a Reid vapor pressure of 27.6 kPa (4 pounds/square inch) or greater.
- 3.15. "Hydrocarbon" shall mean any organic compound of carbon and hydrogen only.

- 3.16. "Organic material" shall mean a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 3.17. "Owner or operator" shall mean any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.
- 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 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. "Splash filling" shall mean the filling of a tank truck or stationary storage tank through a pipe or hose whose discharge opening is above the surface level of the liquid in the tank being filled.
- 3.22. "Standard conditions" shall mean a temperature of 20° C (68° F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).
- 3.23. "Submerged filling" shall mean the filling of a tank truck or stationary tank through a pipe or hose whose discharge opening is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.
- 3.24. "Vapor balance system" shall mean 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.
- 3.25. "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.

3.26. "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.

3.27. "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. For the purpose of this Regulation, methane shall not be considered a volatile organic compound.

Section 4. Control and Prohibition of Emissions.

4.01. No owner or operator of a bulk gasoline plant may permit stationary storage tanks to load or unload gasoline unless each tank is equipped with a vapor balance system as described under Sub-Section 4.04 and approved by the Director; and,

(a) Each tank is equipped with a submerged fill pipe, approved by the Director; or,

(b) Each tank is equipped with a fill line whose discharge opening is flush with the bottom of the tank.

4.02. No owner or operator of a bulk gasoline plant, tank truck or trailer may permit the loading or unloading of

tank trucks or trailers at a bulk gasoline plant unless each tank truck or trailer is equipped with a vapor balance system as described under Sub-Section 4.04 and approved by the Director; and,

(a) Equipment is available at the bulk gasoline plant to provide for the submerged filling of each tank truck or trailer; or,

(b) Each tank truck or trailer is equipped for bottom filling.

4.03. No owner or operator of a bulk gasoline plant, tank truck or trailer may permit the transfer of gasoline between tank truck or trailer and stationary storage tank unless;

(a) The transfer is conducted in accordance with Sub-Sections 4.01 and 4.02; and,

(b) The vapor balance system is in good working order and is connected and operating; and,

(c) Tank truck or trailer hatches are closed at all times during loading operations; and,

(d) There are no leaks in the tank trucks' or trailers' pressure/vacuum relief valves and hatch covers, nor the truck tanks or storage tanks or associated vapor and liquid

lines during loading or unloading; and,

(e) The pressure relief valves on storage vessels and tank trucks or trailers are set to release at no less than 4.8 kPa (0.7 psi) or the highest possible pressure (in accordance with state or local fire codes, or the National Fire Prevention Association guidelines).

4.04. Vapor balance systems required under Sub-Sections 4.01 and 4.02 shall consist of the following major components;

(a) A vapor space connection on the stationary storage tank equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of organic material; and,

(b) A connecting pipe or hose equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of organic material; and,

(c) A vapor space connection on the tank truck or trailer equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of organic material.

4.05. No owner or operator of a bulk gasoline plant may permit

gasoline to be spilled, discarded in sewers, stored in open containers or handled in any other manner that would result in evaporation.

4.06. (a) Realizing that compliance with the provisions of this Section may, in some cases, be technologically infeasible, the Commission may, upon specific application by the owner or operator of a bulk gasoline plant, grant exemptions from these provisions. However, the petition must be submitted in writing in a manner approved by the Director and must contain:

- (1) a detailed description of the proposed alternative operational and/or equipment controls, the magnitude of volatile organic compound emission reduction which will be achieved, and the quantity and composition of volatile organic compounds which will be emitted if the alternative operational and/or equipment controls are instituted; and,
- (2) a plan, which will be instituted in addition to the proposed alternative operational and/or equipment controls, to reduce volatile organic compound emissions from other source operations, not required under this Regulation, such that aggregate volatile organic compound

emissions from the facility will in no case be greater through application of the alternative control than would be permitted through conformance with Section 4; and,

(3) a schedule for the installation and/or institution of the alternative operational and/or equipment controls.

(b) From time to time the Commission shall review such exemptions to determine if they are still warranted. If the Commission revises or terminates an exemption, the owner or operator of the affected bulk gasoline plant shall be notified by certified mail. Such revision or terminations shall not become effective for at least ninety (90) days after the receipt of notification by the owner or operator.

Section 5. Registration.

5.01. Within thirty (30) days after the effective date of this Regulation all persons owning and/or operating a bulk gasoline plant subject to this Regulation and not previously registered shall have registered such plant(s) 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 plant(s).

- 5.02. The owner or operator of a bulk gasoline plant 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) with the Commission.

Section 6. Permits.

After the effective date of this Regulation, no person shall construct or modify any bulk gasoline plant 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 2 of Chapter 16, Article 20, 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 bulk gasoline plant(s) may be required to conduct or have conducted tests to determine the compliance of such plant(s) 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 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.

7.03. 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 bulk gasoline plant subject to this Regulation and in existence prior to the adoption of this Regulation does not meet the limitations set forth in 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 source. 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 installation 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 plant(s) 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 bulk gasoline plant subject

to this Regulation to continue to operate 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. Bulk gasoline plant(s) subject to this Regulation whose emissions of volatile organic compounds are not more than 6.8 kilograms (15 pounds) in any 1 day, nor more than 1.4 kilograms (3 pounds) in any 1 hour shall be exempt from Sections 4 through 9, provided the emission rates are determined and certified before March 1, 1979, in a manner approved by the Director.

10.02. Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance shall be exempt from Section 4 through 9 provided;

(a) The operation of the source is not an integral part of

the production process; and,

(b) The emissions from the source do not exceed
363 kilograms (800 pounds) in any calendar month; and,

(c) The exemption is approved in writing by the
Director.

10.03. Stationary storage tanks of less than 2,000 liters
(528 gallons) capacity shall be exempt from Sections 4
through 9.

Section 11. Effective Date.

Regulation XXII shall become effective _____, 19 ____.