

WEST VIRGINIA LEGISLATURE  
*Legislative Rule-Making Review Committee*



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September 26, 1979

Hon. A. James Manchin  
Secretary of State  
W-151 State Capitol  
Charleston, West Virginia 25305

Dear Mr. Manchin:

This is notification of approval or disapproval of rules and regulations in accordance with Section 11, Article 3, Chapter 29A of the West Virginia Code.

On September 24, 1979, the Legislative Rule-Making Review Committee approved regulations submitted by the Medical Licensing Board relating to Physicians Assistants.

The Committee approved the following regulations of the Air Pollution Control Commission:

Regulation III - "To Prevent and Control Air Pollution From The Operation of Hot Mix Asphalt Plants";

Regulation VIII - "Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter";

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 XXIII - "To Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Bulk Gasoline Terminals"; and

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

Regulations XXIII and XXIV were approved with the nonsubstantive amendments attached.

The Committee disapproved the following regulations of the Air Pollution Control Commission:

Regulation VI - "To Prevent and Control Air Pollution From Combustion of Refuse";

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Regulation VII - "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations";

Regulation XVII - "To Prevent and Control Particulate Air Pollution From Materials Handling, Preparation, Storage and Sources of Fugitive Particulate Matter"; and

Regulation XVIII - "To Prevent and Control Particulate Air Pollution From Direct Meat-Firing Devices."

A copy of the approved and disapproved regulations is enclosed.

Very truly yours,

*Robert M. Steptoe*

Robert M. Steptoe

*William E. Shingleton*

William E. Shingleton

Enclosures

WEST VIRGINIA  
AIR POLLUTION CONTROL COMMISSION

FILE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 9/27/79

Regulation XXIII

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Air Pollution Control Commission

Chapter 16-20  
Series XXIII  
(1979)

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

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Section 1. Intent and Purpose.

It is the intent of the Commission that all persons engaged in the operation of bulk gasoline terminals and the appurtenant equipment necessary to load tank trucks or trailer compartments 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 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. "Bulk gasoline terminal" shall mean a gasoline storage facility which receives gasoline from refineries primarily by, but not limited to, pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck; and has a daily throughput of more than 76,000 liters (20,000 gallons) of gasoline.
- 3.04. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 3.05. "Condensate" shall mean hydrocarbon liquid which condenses due to change in temperature and/or pressure and remains liquid at standard conditions.
- 3.06. "Construction" shall mean commencement of onsite fabrication, erection, or installation of an emission source, air pollution control equipment, or a facility.
- 3.07. "Control device" shall mean equipment (incinerator, adsorber, or the like) used to destroy or remove air pollutant(s) prior to discharge of vapor to the ambient air.
- 3.08. "Day" shall mean a 24-hour period beginning at midnight.
- 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, or combination thereof which contains a stationary source of air pollutants.

- 3.12. "Gasoline" shall mean a petroleum distillate having a Reid vapor pressure of 27.6 kPa (4 pounds/square inch) or greater.
- 3.13. "Hydrocarbon" shall mean any organic compound of carbon and hydrogen only.
- 3.14. "Organic material" means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 3.15. "Owner or operator" shall mean any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.
- 3.16. "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.
- 3.17. "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.
- 3.18. "Reid vapor pressure" shall mean the absolute pressure of volatile crude oil and volatile nonviscous petroleum

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Sub-section 3.21.

Last line put a period after word tank and strike the words "during the transfer of gasoline."

Sub-section 3.21. then reads:

Sub-section 3.21. "Vapor control system" shall mean a system that prevents release to the atmosphere of organic material in the vapors displaced from a tank."

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Sub-section 4.01.

Last line has a typographical error. Strike "(4.7 grams per gallon)."

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THIS DATE \_\_\_\_\_

liquids except liquified petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-72 (Re-approved 1977).

3.19. "Standard conditions" shall mean a temperature of 20°C (68°F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).

3.20. "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.

3.21. "Vapor control system" shall mean a system that prevents release to the atmosphere of organic material in the vapors displaced from a tank during the transfer of gasoline.

3.22. "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 terminal subject to this regulation may cause, allow or permit mass emissions of volatile organic compounds from the loading of gasoline into any tank trucks or trailers to exceed 80 milligrams per liter (4.7 grams per gallon) of gasoline loaded.

4.02. The emission limit under Sub-Section 4.01 shall be achieved by:

(a) equipping the bulk gasoline terminal with a vapor control system, capable of complying with Sub-Section 4.01, properly installed, in good working order, in operation and consisting of one of the following:

(1) an adsorption, absorption, compression or condensation system which processes and recovers vapors and gases from the equipment being controlled; or,

(2) a vapor collection system which directs all vapors to a fuel gas system; or,

(3) an equally effective alternative control system approved by the Commission; and,

(b) venting all displaced vapors and gases only to the vapor control system; and,

(c) providing a means to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected; and,

(d) equipping all loading and vapor lines with fittings which make vapor-tight connections which close automatically when disconnected.

4.03. Sources subject to this regulation may not:

(a) allow gasoline to be discharged in sewers or stored in open containers or handled in any manner that would result in evaporation; nor,

(b) allow the pressure in the vapor collection system to exceed the tank truck or trailer pressure relief settings.

4.04. (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 terminal, 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 terminal 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 terminal subject to this regulation and not previously registered shall have registered such source(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 source(s).

5.02. The owner or operator of a bulk gasoline office 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 terminal 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 Chapter 16, Article 20, Section 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 terminal(s) may be required to conduct or have conducted tests to determine

the compliance of such terminal(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. For the purpose of determining the emissions from systems installed to control volatile organic compound vapors resulting from loading operations at bulk gasoline terminals, the following procedures shall be included:

(a) In a manner approved by the Director, direct measurements shall be made to determine the hydrocarbon mass exhausted from the vapor control system.

(b) In a manner approved by the Director, all possible sources of leaks shall be qualitatively checked to insure that no uncontrolled vapors are emitted to the atmosphere.

7.03. For the purpose of determining the efficiency of a volatile organic compound emission control system, the following procedure shall be included:

(a) The material containing volatile organic compounds shall be sampled and analyzed in a manner approved by the Director such that the quantity of emissions that could result from the use of the material can be quantified.

(b) The efficiency of any capture system used to transport the volatile organic compound emissions from their point of origination to the control equipment shall be computed using accepted engineering practices and in a manner approved by the Director.

(c) Samples of the volatile organic compound containing gas stream shall be taken simultaneously at the inlet and outlet of the emissions control device in a manner approved by the Director.

(d) The total combustible carbon content of the samples shall be determined by a method approved by the Director.

(e) The efficiency of the control device shall be expressed as a fraction of total combustible carbon content reduction achieved.

(f) The volatile organic compound mass emission rate shall be the sum of emissions from the control device, emissions not collected by the capture system and capture system losses.

7.04. 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.

7.05. 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 terminal 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 source(s) of volatile organic compounds 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 terminal 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.

Sources subject to this regulation whose emissions of volatile organic compounds are not more than 6.8 kilograms (15 pounds) in any one (1) day, nor more than 1.4 kilograms (3 pounds) in any one (1) hour will be exempt from Sections 4 through 9, provided the emission rates are determined and certified six (6) months after the effective date of this regulation in a manner approved by the Director.

Section 11. Effective Date.

Regulation XXIII (1979) shall become effective July 9, 1979.

The foregoing is a true and correct copy of the West Virginia Air Pollution Control Commission Regulation XXIII (1979) as adopted on the 8th day of May, 1979.

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

Sub-section 4.02.(a)

First line strike the word "and" insert the word "or".

Subsection 4.02.(a) then reads:

Sub-section 4.02.(a) Provide covers or seals approved by the Director on all separators and equip all openings in covers, separators, and forebays with lids or seals such that the lids or seals are in the closed position at all times except when in actual use; or,