

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 736, L.D. 1013, Bill, "An Act to Implement an Ozone Control Strategy for the State"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §582, sub-§6-B, as enacted by PL 1979, c. 385, §1, is repealed and the following enacted in its place:

6-B. Bulk gasoline terminal. "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries, primarily by pipeline, ship or barge, and delivers gasoline to bulk gasoline plants or commercial or retail accounts primarily by tank truck, and has a daily throughput of more than 76,000 liters, or 20,000 gallons, of gasoline.

Sec. 2. 38 MRSA §582, sub-§7-H is enacted to read:

7-H. Gasoline dispensing facility. "Gasoline dispensing facility" means any gasoline service station, bulk terminal or bulk plant or any other facility or organization, governmental or private, that stores gasoline in tanks having a capacity of greater than 250 gallons, and dispenses fuel for motor vehicle use.

Sec. 3. 38 MRSA §609, as enacted by PL 1979, c. 385, §2, is repealed and the following enacted in its place:

§609. Petroleum liquid storage vapor control

1. Scope. This section shall apply in the following circumstances.

- 1 A. This section shall be applicable in all ambient air
2 quality regions of the State.
- 3
- 4 B. This section shall apply to all fixed-roof storage
5 vessels with capacities greater than 150,000 liters, or
6 39,000 gallons, containing volatile petroleum liquids whose
7 true vapor pressure is greater than 10.5 kilo pascals or
8 1.52 pounds per square inch absolute, or a Reid vapor
9 pressure of 4 pounds per square inch. The fixed-roof
10 storage vessels are subject to New Source Performance
11 Standards as of the dates specified in and in accordance
12 with the requirements contained in 40 Code of Federal
13 Regulations, Part 60, Subparts K, K(a) and K(b).
- 14
- 15 2. Prohibition. No owner or operator of a fixed-roof
16 storage vessel may permit the use of those vessels unless:
- 17
- 18 A. The vessels have been retrofitted with an internal
19 floating roof equipped with a closure seal, or seals, to
20 close the visual space between the roof edge and tank wall;
21 or the vessels have been retrofitted with equally effective
22 alternative controls, as approved by the commissioner and
23 the United States Environmental Protection Agency;
- 24
- 25 B. The vessel is maintained so that there are no visible
26 holes, tears or other openings in the seal or any seal
27 fabric or materials;
- 28
- 29 C. All openings except stub drains are equipped with
30 covers, lids or seals so that:
- 31
- 32 (1) The cover, lid or seal is in the closed position
33 at all times except when in actual use;
- 34
- 35 (2) Automatic bleeder vents are closed at all times
36 except when the roof is floated off or landed on the
37 roof leg supports; and
- 38
- 39 (3) Rim vents, if provided, are set to open only when
40 the roof is being floated off the roof by supports or
41 at the manufacturer's recommended setting;
- 42
- 43 D. Routine inspections are conducted through roof hatches
44 once every 6 months; and
- 45
- 46 E. A complete inspection of cover and seal is conducted at
47 least once per year.

1 3. Emission testing. The determination of compliance under
2 this section may be made by visual inspection of the floating
3 cover through the roof hatches by department staff or other
4 qualified representatives of the department. The source shall be
5 found in compliance if:

7 A. The seal has no visible holes, tears or other openings
8 and is uniformly in place around the circumference of the
9 cover between the cover and tank well;

11 B. The cover is uniformly floating on or above the liquid
12 and there are no visible holes, tears or other openings in
13 the surface of the cover and no liquid has accumulated on
14 the cover; and

15 C. All records are being properly maintained.

17 4. Transition schedule. The owner or operator of
18 fixed-roof petroleum storage vessels located in Air Quality
19 Control Regions III, IV and V shall have until July 1, 1991, to
20 comply with the requirements under subsection 2, paragraph A. In
21 Air Quality Control Regions III, IV and V, the owner or operator
22 of a fixed-roof petroleum storage vessel without a floating roof
23 or other acceptable volatile organic compound emission control
24 equipment shall adhere to the increments of progress contained in
25 the following schedule and shall report to the department within
26 15 days of the prescribed deadline the status of compliance with
27 the increment of progress.

29 A. Final plans for the floating roof, other necessary
30 modifications or other acceptable volatile organic compound
31 emission control equipment shall be submitted before
32 November 1, 1989.

35 B. Contracts for installation of the floating roof, other
36 modifications or other acceptable volatile organic compound
37 emission control equipment or purchase orders for component
38 parts shall be issued before March 1, 1990.

39 C. Initiation of on-site construction or installation of
40 acceptable volatile organic compound emission control
41 equipment shall begin before July 1, 1990.

43 D. Final compliance shall be achieved before July 1, 1991.

45 5. Records. The owner or operator of a fixed-roof storage
46 vessel covered under this section shall assure that the following
47 records are maintained for a minimum of 2 years:

49 A. Reports of the results of inspections conducted under
50 subsection 2, paragraphs D and E;

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- B. A record of the monthly throughput quantities and types of volatile petroleum liquids for each storage vessel and period of storage; and
- C. Records of the average monthly storage temperatures and true vapor pressures of volatile petroleum liquids stored.

These records shall be available for inspection during normal business hours and copies shall be provided to the commissioner or the commissioner's representative upon request.

Sec. 3. 38 MRSA §§609-A, 609-B and 609-C are enacted to read:

§609-A. Gasoline service station vapor control

1. Scope. This section shall be applicable in all ambient air quality control regions in the State.

2. Prohibition. No owner or operator of a gasoline dispensing facility described in this subsection may permit gasoline to be loaded into an underground storage tank except as provided in this subsection.

A. After October 1, 1989, no owner or operator of any gasoline dispensing facility with an annual throughput of greater than 100,000 gallons of gasoline may permit gasoline to be loaded into an underground storage tank unless a submerged fill pipe extends into the gasoline storage tank to within 6 inches of the bottom.

B. After October 1, 1989, no owner or operator of any gasoline dispensing facility, with an annual throughput of greater than 250,000 gallons of gasoline, that is replacing a tank scheduled for removal by October 1, 1989, pursuant to section 563-A, subsections 1 and 2, may permit gasoline to be loaded into that underground storage tank unless a vapor balance system has been properly installed and which is maintained in good working order and ensures a closed vapor loop between the tank truck discharging gasoline and the underground storage tank.

C. After October 1, 1991, no owner or operator of any gasoline dispensing facility with an annual gasoline throughput of greater than 250,000 gallons of gasoline may permit gasoline to be loaded into an underground storage tank unless a vapor balance system has been properly installed and which is maintained in good working order and ensures a closed vapor loop between the tank truck discharging gasoline and the underground storage tank.

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3. Variance. Those gasoline dispensing facilities that are replacing an underground storage tank scheduled for removal after October 1, 1991, pursuant to section 563-A, subsections 1 and 2, may apply prior to July 1, 1991, to the commissioner in writing for a variance from the October 1, 1991, compliance date referred to in subsection 2, paragraph C. Variances shall be considered on a case-by-case basis for those facilities that may have to undergo excessively expensive and premature excavation due to such complications as:

- A. Irregular shaped or sized fill pipes;
- B. Diameter of fill pipes less than 3 inches; or
- C. Inadequate clearance or similar problems that require extensive excavation.

Each variance granted shall expire no later than October 1, 1994.

4. Records. Beginning July 1, 1989, each gasoline dispensing facility in the State shall maintain records regarding the quantity of gasoline dispensed each month. Copies of these records shall be maintained for a minimum of 2 years. These records shall be available for inspection during normal business hours and copies shall be provided to the commissioner or the commissioner's representative upon request.

§609-B. Motor vehicle fuel volatility limit

1. Scope. This section shall be applicable in all ambient air quality control regions in the State.

2. Prohibition. No owner or operator of any bulk gasoline terminal nor any person who imports gasoline directly to a gasoline service station or a bulk gasoline plant may dispense, sell or supply as fuel for motor vehicles a gasoline having a Reid vapor pressure greater than 9.0 pounds per square inch during the period of May 1st through September 15th of each year.

3. Reid vapor pressure testing. For purposes of showing compliance with this section, any emission test or fuel test required by the department shall be conducted in accordance with ASTM method D4177-82, ASTM method D4057-81, ASTM method D323-58 or any other method approved by the commissioner and the United States Environmental Protection Agency.

4. Records and reports. Any owner or operator of a bulk gasoline terminal and any person who imports gasoline directly to a gasoline service station or a bulk gasoline plant shall maintain records on the Reid vapor pressure of any gasoline that

1 is delivered to or distributed from that terminal, plant or
3 station for at least 2 years. These records shall be available
5 for inspection during normal business hours and copies shall be
7 provided to the commissioner or the commissioner's representative
9 upon request.

11 5. Report required. The department shall report to the
13 Joint Standing Committee on Energy and Natural Resources no later
15 than February 1, 1990, on the effects of implementing this
17 section. The report shall include the effect of 9.0 Reid vapor
19 pressure gasoline on the performance of motor vehicles, the
21 availability of 9.0 Reid vapor pressure gasoline during the
23 prescribed period and other information deemed by the director to
25 be important in evaluating this issue.

27 §609-C. Gasoline tank truck tightness; self-certification

29 1. Scope. This section shall be applicable in all ambient
31 air quality control regions in the State.

33 2. Prohibition. The following acts are prohibited.

35 A. After May 1, 1989, no person owning, leasing or
37 controlling a tank truck that carries gasoline with a true
39 vapor pressure of 1.5 pounds per square inch, or 10.5 kilo
41 pascals, or greater at 60° Fahrenheit or a Reid vapor
43 pressure of 4 pounds per square inch, or 27 kilo pascals,
45 and receives fuel from a bulk gasoline terminal subject to
47 section 610 may permit the tank truck to be loaded or
49 unloaded unless the tank truck:

(1) Has been certified as leak-tight according to the
procedure specified in subsection 4; and

(2) Displays the initials "DEP" attached to both the
left and right bulkhead of the tank truck in
contrasting letters that are no less than 2 inches high
and displays the date that the test was conducted and
that the certification test approval expires June 1st
of the year following the test.

B. The owner or operator of a bulk gasoline terminal with a
vapor recovery system subject to section 610 shall design
and operate the vapor recovery system in such a manner that,
during loading operations at the loading rack:

(1) The tank compartments are not subjected to a gauge
pressure exceeding 18 inches of water or a vacuum
exceeding 6 inches of water;

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1 (2) Readings equal to or greater than 100 percent of
3 the lower explosive limit, measured as 2.2 percent
5 propane by volume in air, are not obtained within one
7 inch, or 2.5 centimeters, around all loading couplings
 and vapor lines and fittings employed in transferring
 gasoline to the tank truck; and

9 (3) There are no visible liquid leaks in the vicinity
 of the loading rack.

11 3. Tightness standard. Tightness standards shall be as
13 follows.

15 A. A tank truck subject to the provisions of this section
17 may sustain a pressure change of no more than 3 inches of
19 water over 5 consecutive minutes when pressurized to a gauge
 pressure of 18 inches of water or when evacuated to a gauge
 pressure of 6 inches of water when tested using the
 procedure specified in subsection 4.

21 B. A tank truck certified according to subsection 4 must
23 remain leak-tight following the certification test. To
25 verify that this requirement is being met, spot checks with
27 a combustible gas detector must not reveal readings equal to
 or greater than 100 percent of the lower explosive limit
 measured as 2.2 percent propane by volume in air, when
 measured at a distance of one inch, or 2.5 centimeters, from
 potential leak sources.

29 4. Annual certification test. A tank truck subject to the
31 provisions of this section must be tested annually by the owner
33 or owner's agent using Reference Method 27, as amended and
35 defined in 40 Code of Federal Regulations, Part 60, Appendix A,
 or any other methods approved by the commissioner and the United
 States Environmental Protection Agency. The department must be
 informed at least 24 hours in advance of each certification test.

37 The owner or the owner's agent conducting the certification test
39 must have attended a tank truck tightness certification workshop
41 as approved by the commissioner.

43 5. Compliance schedule. The owner or operator of any tank
45 truck that fails to meet any of the requirements under this
47 section shall repair and retest the tank truck within 15 days of
 the test failure. No owner or operator of any tank truck may use
 or allow to be used any tank truck which fails to meet all the
 requirements of this section after retesting.

49 6. Spot inspection tests. The department may, at any time
51 without announcement, measure the back pressure during the
 loading of tank trucks at the loading rack or the emissions as a

1 percentage of the lower explosive limit from a tank truck using a
3 combustible gas detector to determine the compliance of the tank
5 trucks and vapor collection systems with the requirements set
7 forth in this section. The leak tightness of a tank truck and
9 vapor collection systems shall be measured by use of a gasoline
11 leak detection technique which uses a combustible gas detector or
13 by use of other means approved by the commissioner.

15 7. Records. Any person owning, leasing or controlling the
17 day-to-day use of a tank truck subject to the provisions of this
19 section shall maintain the following records:

21 A. The tank identification number, which shall include the
23 manufacturer's serial number, vehicle identification number
25 or the owner's identification number;

27 B. The calendar year during which the tank was manufactured;

29 C. The date and location of the most recent pressure-vacuum
31 test; if failed, then the date and location of the retest
33 shall be recorded as well;

35 D. The name, title and telephone number of the person who
37 conducted the test, and the name and address of the company
39 where the person is employed; and

41 E. A copy of the test record showing the following:

43 (1) The tank pressure at the start of the pressure
45 test;

47 (2) The tank pressure at the end of the pressure test;

49 (3) The tank pressure at the start of the vacuum test;

(4) The tank pressure at the end of the vacuum test;
and

(5) A list of all repairs which were made to the tank
truck to enable it to pass all applicable requirements
of the test method.

Copies of the records are to be retained by the owner or operator
of the tank truck for a minimum of 2 years after the date on
which the test was conducted. These records shall be available
for inspection during normal business hours and copies shall be
provided to the commissioner or the commissioner's representative
upon request.

1 8. Reciprocity. At the discretion of the commissioner, the
2 requirements for testing and marking gasoline transport vehicles
3 subject to this section may be satisfied if the vehicle undergoes
4 equivalent certification in another state.

5
6 Sec. 4. 38 MRSA §610, as amended by PL 1981, c. 580, §§1 and
7 2, is repealed and the following enacted in its place:

8 §610. Petroleum liquids transfer vapor recovery

9
10 1. Scope. This section shall apply in the following
11 circumstances.

12
13 A. This section applies to all ambient air quality control
14 regions of the State.

15
16 B. This section shall apply to all bulk gasoline terminals
17 that have been in existence prior to December 31, 1978, and
18 that have a daily throughput of 20,000 gallons or more and
19 the appurtenant equipment necessary to load tanks, trucks or
20 trailer compartments. The bulk gasoline terminals built or
21 modified after December 17, 1980, are subject to New Source
22 Performance Standards as defined in 40 Code of Federal
23 Regulations, Part 60, Subpart XX.

24
25 2. Prohibition. No owner or operator of any bulk gasoline
26 terminal may permit gasoline to be loaded into any tank truck or
27 trailer unless:

28
29 A. The tank truck or trailer has been certified as
30 vapor-tight, as determined by the requirements specified in
31 section 609-C;

32
33 B. The bulk gasoline terminal is equipped to vent all
34 displaced vapors and gases only to a vapor control system
35 that has been properly installed and which is maintained in
36 good working order, and which must be in operation at all
37 times gasoline is being transferred to tank trucks from the
38 storage tanks. This vapor control system shall consist of
39 the following:

40
41 (1) An absorber or condensation system which processes
42 and recovers at least 90 percent by weight of all
43 vapors and gases from the equipment being controlled;

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

46 (3) Any other equivalent control system that has the
47 express written approval of the commissioner and the
48 United States Environmental Protection Agency.
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3 C. A means is provided to prevent liquid drainage from the
5 loading device when it is not in use or to accomplish
7 complete drainage before the loading device is
9 disconnected. There shall be no liquid drainage from the
11 loading device when it is not in use;

13 D. All loading and vapor lines are equipped with fittings
15 which make vapor-tight connections and which close
17 automatically when disconnected; and

19 E. The pressure in the vapor collection system is not
21 allowed to exceed the tank truck or trailer pressure relief
23 settings.

25 Gasoline dispensing facilities and bulk gasoline terminals may
27 not allow gasoline to be discarded in sewers or stored in open
29 containers. Gasoline dispensing facilities and bulk gasoline
31 terminals may not allow gasoline to be handled in any manner that
33 would result in evaporation.

35 3. Emission standard. No owner or operator of any bulk
37 gasoline terminal may allow the mass emissions of volatile
39 organic compounds from the terminal to exceed the instantaneous
41 emission limit of 80 milligrams per liter, or 4.7 grains per
43 gallon, of gasoline transferred.

45 4. Transition schedule. The owners or operators of bulk
47 gasoline terminals located in Air Quality Control Regions III, IV
49 and V, as well as those facilities exempted under former section
51 610 as it existed on September 18, 1981, have until July 1, 1991,
53 to comply with the requirements of subsection 2, paragraph B. In
55 Air Quality Control Regions III, IV and V, the owner or operator
57 of a bulk gasoline terminal without a vapor recovery system or
59 other acceptable volatile organic compound emission control
61 equipment approved under subsection 2, paragraph B, shall adhere
63 to the increments of progress contained in the following schedule
65 and shall report to the department within 15 days of the
67 prescribed deadline the status of compliance with the increment
69 of progress.

71 A. Final plans for acceptable volatile organic compound
73 emission control equipment shall be submitted before
75 November 1, 1989.

77 B. Contracts for installation of acceptable volatile
79 organic compound emission control equipment or purchase
81 orders for component parts shall be issued before March 1,
83 1990.

- 1 C. Initiation of on-site construction or installation of
 3 acceptable emission control equipment shall begin before
 5 July 1, 1990.
- 7 D. Final compliance shall be achieved before July 1, 1991.
- 9 E. Emission testing. Compliance with this standard shall
 11 be determined by methods promulgated in 40 Code of Federal
 13 Regulations, Part 60.503, or other methods approved by the
 15 commissioner and the United States Environmental Protection
 17 Agency.

FISCAL NOTE

It is anticipated that all costs resulting from this proposed legislation would be absorbed by the Department of Environmental Protection utilizing existing resources.

STATEMENT OF FACT

This amendment clarifies certain provisions of Maine's ozone control strategy. It adds a definition of a gasoline dispensing facility consistent with the Board of Environmental Protection's regulations.

The amendment also removes 2 provisions of the bill enacting outdated schedules for compliance.

The amendment also clarifies that new requirements for vapor recovery systems are required for underground storage tanks scheduled for removal if they are replaced with new tanks.

A provision is added to require the Department of Environmental Protection to report back to the Joint Standing Committee on Energy and Natural Resources on the availability of 9.0 Reid vapor pressure fuel during the period of May 1st through September 15th of each year and any performance problems experienced by vehicles as a result of this fuel.

The amendment clarifies language relating to gas stations and bulk gasoline terminals that are subject to these gasoline disposal, storage and handling provisions.

Dates within the bill that refer to the period of time before the bill is in effect are retained because the Board of Environmental Protection has promulgated rules similar to this legislation that will remain in effect until the effective date of this Act.