



MAINE OIL DEALERS ASSOCIATION

TECHNICAL BULLETIN #3.4

OZONE CONTROL REGULATIONS

Maine Department of Environmental Protection

Chapters 111, 112, 118, 119, 120, & 133

April, 1999

[Replaces MODA TB #3.3 dated September, 1996]

The Maine Board of Environmental Protection adopted a new new fuel regulation (ch. 119) on February 24, 1999 which requires the distribution and sale of low volatility gasoline in the seven counties currently participating in the RFG program. This regulation limits the Reid Vapor Pressure (RVP) of gasoline sold in those counties to 7.8 psi in the 1999 ozone season and to 7.2 psi all ozone seasons thereafter. This new rule effectively removes Maine from the RFG program. Enclosed is the new rule.

Over the years, the Maine Department of Environmental Protection has issued final rules governing the control of ozone pollution as that pollution is created or exacerbated by petroleum products. Some of these rules became final in September of 1988, and were amended in June, 1994 and July of 1995. The Stage I rule for gasoline bulk plants (Chapter 133) was adopted in June, 1994. The Stage II rule for gasoline stations for refueling vehicles was adopted in July of 1995. This bulletin outlines those rules and serves as a basis to deal with Maine's adoption of the Federal Clean Air Act amendments, passed by the

Congress in 1990 and implemented by the U.S. Environmental Protection Agency and Maine's DEP.

The Maine Legislature passed amendments presented in legislation by MODA to the loan authority of the Finance Authority of Maine in 1991 and 1994 to allow FAME to make loans to marketers seeking to comply with these rules. An outline of these authorities is provided at the end of this bulletin.

SUMMARY OF EACH CHAPTER OF THE RULES

Chapter 111 - Floating Roofs at Bulk Storage Facilities

This regulation requires all owners of fixed roof storage tanks storing gasoline, crude oil, or any petroleum liquid whose vapor pressure is greater than 10.5 kilo Pascals to install floating roofs to reduce hydrocarbon vapors lost to the atmosphere.

- This regulation applies to all tanks with a storage capacity greater than 39,000 gallons. The compliance deadline was July 1, 1991.

Chapter 112 - Vapor Recovery at Bulk Gasoline Terminals

This regulation required bulk gasoline terminals that pump more than 20,000 gallons of gasoline a day and load tank trucks or trailers to install vapor control systems by July 1, 1991.

- These bulk terminals also must comply with a VOC emission standard of 35 mg/liter of gasoline transferred by August 31, 1996.

Chapter 118 - Gasoline Station Vapor Controls - Stage I and Stage II

Stage I

This regulation requires all gasoline service stations (and any other organization, governmental or private, that stores gasoline in underground tanks and refuels vehicles with the gasoline stored in those tanks) to install a submerged fill pipe (drop tube) or a vapor balance system and a submerged fill pipe.

- Stations with monthly sales of 10,000 gallons or more must install a vapor balance system that forms a closed vapor loop between the gasoline storage tank and the delivering truck.
- All stations must install submerged fill pipes (drop tubes).
- Throughput records must be kept for three years; the most recent 12 months must be kept at the station.
- The compliance deadline was May 31, 1995 for all stations. The previous deadline was October 1, 1989 for vapor balance at stations with 250,000 gallons per year throughput and submerged fill for stations with 100,000 gallons annual throughput.

Stage II

This regulation also requires that all stations in Sagadahoc, Cumberland, and York counties that have an annual throughput of 1,000,000 gallons or more must install Stage II vapor recovery equipment on or before November 15, 1996.

1994 is the base year to determine whether or not you need to comply. All owners or operators who were initially exempt from the Stage II regulation (because they were under the 1,000,000 gallon threshold) nevertheless become

subject to the requirement as soon as the station does more than 1,000,000 gallons for a year.

Each Stage II facility must have at least one facility representative who is trained in operation and maintenance of the Stage II system by successfully completing a training course approved by the DEP.

There is a provision which allows station owners to substitute two lesser throughput stations for one 1,000,000 station. You must put the Stage II vapor recovery on the two stations and their aggregate throughput must exceed the 1,000,000 gallons per year.

NOTE: if you are subject to this rule it is imperative that you read the attached rules!

Chapter 119 - Motor Fuel Volatility

This regulation requires all gasoline sold in the State of Maine between May 1st and September 15th to have a Reid Vapor Pressure of 9.0 with the exception that York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln counties shall not have a Reid Vapor Pressure greater than 7.8 psi during the period between May 1, 1999 and September 15, 1999 and shall not have a RVP greater than 7.2 psi during the period between May 1, 2000 and September 15, 2000 and continuing every year thereafter. The lower RVP gasoline may be sold statewide.

- Those importing fuel into Maine are responsible for certifying that the gasoline brought into Maine for sale during this period meets this requirement. The burden is not on the service station or local distributor. Distributors of bulk gasoline to service stations must maintain records for two years of the RVP of gasoline held by them.

- This regulation took effect March 14, 1999.

Chapter 120 - Gasoline Tank Truck Tightness

This regulation requires all tank trucks that transport and receive gasoline from a bulk gasoline terminal or plant to be maintained leak-tight and to be certified and tested annually.

- Tests for tightness may be performed by the owner of the vehicle after attending a Tank Truck Tightness seminar provided by the DEP. Vehicle must be tested according to DEP tightness standard each year and certified tight by the testing agent. Vehicle must be stenciled with DEP marking indicating test and date. 24 hour notice must be given to the DEP before the test is performed.
- The compliance deadline was May 31, 1995 for those trucks not covered previously. It was May 1, 1989 for all trucks except those under 3,500 gallons.

Chapter 133 - Gasoline Bulk Plants

This regulation requires gasoline bulk plants loading tank trucks or trailers to install a submerged fill or a submerged fill and a vapor balance system.

- Bulk plants with an *average* daily throughput of less than 4,000 gallons (calendar month average) must install submerged fills, only load trucks with submerged fills, and have each transfer observed by the owner or operator of the plant or of the truck.
- Bulk plants that exceed 4,000 gallons average daily throughput must install a vapor balance system between the storage tank and the incoming tank truck and between the storage tank and the outgoing tank truck, install submerged fills,

only load trucks with submerged fills, and have each transfer observed by the owner or operator of the plant or of the truck.

- The vapor balance system must be inspected each month and records of the inspections must be kept. Throughput records must be kept. Records must be kept for three years.
- The compliance deadline is May 31, 1995.

FINANCE AUTHORITY OF MAINE - LOANS

On June 20, 1991 Governor McKernan signed MODA legislation into law LD 1063, An Act to Broaden the Availability of Loans under the Finance Authority of Maine to Improve the Environment, as PL 1991, Chapter 439, 10 MRSA §963-A. On April 7, 1994, he signed LD 923, An Act to Amend the FAME UST Loan Program (PL 1994, c. 601) These laws do several important things:

- 1) The FAME loan fund was increased from \$5 million to \$10 million;
- 2) Marketers may borrow up to \$600,000 to meet any or all of the requirements of the air quality regulations outlined in this bulletin, whether those requirements are on underground or aboveground oil storage systems;
- 3) The restriction on borrowing to owners of only one service station was eliminated - now anyone may apply for loans regardless of the number of stations they own; and
4. The interest on the loans provided by FAME ranges from 0% up to current Boston prime lending rate, depending upon the financial strength of the applicant.

The Finance Authority of Maine may be contact at:

P.O. Box 949

83 Western Avenue

Augusta, Maine 04332-0949

207-623-3263

**NOTE: THIS IS A BRIEF DESCRIPTION OF THE DEP OZONE CONTROL
RULES. THE FULL REGULATIONS FOLLOW.**

06-096 DEPARTMENT OF ENVIRONMENTAL PROTECTION

Chapter 119: MOTOR VEHICLE FUEL VOLATILITY LIMIT

SUMMARY: This regulation requires that all gasoline that is distributed or marketed by bulk gasoline terminals or is directly imported to gasoline service stations or bulk gasoline plants shall not have a Reid Vapor Pressure greater than 9.0 psi during the period between May 1, 1989 and September 15, 1989 and continuing every year thereafter with the exception that York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties shall not have a Reid Vapor Pressure greater than 7.8 psi during the period between May 1, 1999 and September 15, 1999 and shall not have a Reid Vapor Pressure greater than 7.2 psi during the period between May 1, 2000

and September 15, 2000 and continuing every year thereafter.

1. Scope/Applicability. This regulation shall be effective in all ambient air quality control regions in the State of Maine.

2. Definitions

A. Bulk gasoline plant. "Bulk gasoline plant" means, except for gasoline service stations, any gasoline storage and distribution facility or bulk gasoline terminal with a daily throughput of 76,000 liters (20,000 gallons) or less which receives gasoline from refineries, bulk gasoline terminals or through direct import.

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 to commercial or retail accounts primarily by tank truck, and has a daily average throughput of more than 76,000 liters (20,000 gallons) of gasoline.

C. Reid Vapor Pressure. "Reid Vapor Pressure" (RVP) means the standardized measure of the vapor pressure of a liquid fuel in pounds per square inch absolute at 100°F.

3. 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 shall 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 1, 1989 through September 15, 1989 and during the period of May 1 through September 15 of each successive year with the exception that for York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties 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 shall dispense, sell, or supply as fuel for motor vehicles a gasoline having a Reid Vapor Pressure greater than 7.8 pounds per square inch during the period of May 1, 1999 through September 15, 1999 and greater than 7.2 pounds per square inch during the period of May 1, 2000 through September 15, 2000 and during the period of May 1 through September 15 of each year thereafter.

4. Reid Vapor Pressure Testing. For purposes of showing compliance with this regulation, sampling shall be conducted using one of the sampling methodologies specified in 40 CFR 80, Appendix D, and any emission test or fuel test required by the Department shall be conducted in accordance with 40 CFR 80, Appendix E, Method 3 or any other method approved by the Commissioner and the United States Environmental Protection Agency.

5. 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, oxygen content, oxygenate, benzene, aromatics, and sulfur of any gasoline that is delivered to or distributed from such terminal, plant or station for at least two years. These records shall be available for inspection during normal

business hours and copies shall be provided to the Commissioner or his representative upon request.

Any distributor subject to the requirements of this Chapter shall maintain records to show compliance with this Chapter for at least two years.

6. Severability. Each Section and Subsection of this Chapter shall be deemed severable, and in the event that any Section of this Chapter is held invalid, the remainder shall continue in full force and effect.

AUTHORITY: 38 M.R.S.A., Section 585, 585-A, 585-C

Section 110, Clean Air Act of 1990

EFFECTIVE DATE: September 21, 1988

Amended October 25, 1989

Amended November 3, 1990

Amended September 28, 1996

Amended March 14, 1999