State of Oregon Department of Environmental Quality

Division 242 and 244
Draft Rules – Edits Highlighted
Gasoline Dispensing Facility Emissions Rulemaking

Key to Identifying Changed Text:
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New/inserted text

Division 244
OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

340-244-0030
General Provisions for Stationary Sources: Definitions

Except as provided in OAR 340-244-0220 and -0230, the definitions in OAR 340-200-0020, 340-218-0030 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

(1) "Affected source" is as defined in 40 C.F.R. 63.2.

(2) "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.

(3) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.

(4) "Construct a major source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

(a) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of 40 C.F.R. Part 63, Subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

(b) DEQ has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment

represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 C.F.R. Part 51 or 52, toxics-best available control technology (T-BACT), or MACT based on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or DEQ determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).

(c) DEQ determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

(d) DEQ has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) of this definition apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;

(e) If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, DEQ has determined that the level of control required by that prior determination remains adequate; and

(f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by DEQ are predicated will be construed by DEQ as applicable requirements under section 504(a) and either have been incorporated into any existing Title V permit for the affected facility or will be incorporated into such permit upon issuance.

(5) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by DEQ or Regional Agency, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(6) "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

(7) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.

(8) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

(9) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.

(10) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA under section 112(b) of the FCAA or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(11) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

(12) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.

(13) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(14) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title.

(15) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.

(16) "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this Division, whichever is earlier.

(17) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

(18) "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a

comparable process or production unit; and; it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 C.F.R. Part 63 Subpart B.

(19) "Regulated Air Pollutant" as used in this Division means:

(a) Any pollutant listed under OAR 340-244-0040; or

(b) Any pollutant that is subject to a standard promulgated under Section 129 of the Act.

(20) "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.

(21) "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.

(22) "Solid Waste Incineration Unit" as used in this Division has the same meaning as given in Section 129(g) of the FCAA.

(23) "Stationary Source", as used in OAR 340 division 244, means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;

[Publications: Publications referenced are available from DEQ.]

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.040
History:
DEQ 5-2022, amend filed 04/07/2022, effective 04/07/2022
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 6-2017, f. & cert. ef. 7-13-17
DEQ 8-2015, f. & cert. ef. 4-17-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 13-2006, f. & cert. ef. 12-22-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0120
DEQ 18-1998, f. & cert. ef. 10-5-98
DEQ 20-1997, f. & cert. ef. 9-25-97
DEQ 26-1996, f. & cert. ef. 11-26-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 24-1994, f. & cert. ef. 10-28-94

DEQ 18-1993, f. & cert. ef. 11-4-93
DEQ 13-1993, f. & cert. ef. 9-24-93

340-244-0100
Compliance Extensions for Early Reductions: Applicability

The requirements of 40 C.F.R. Part 63, Subpart D apply to an owner or operator of an existing source who wishes to obtain a compliance extension and an alternative emission limit from a standard issued under Section 112(d) of the FCAA. Any owner or operator of a facility who elects to comply with a compliance extension and alternative emission limit issued under this section must complete a permit application as prescribed in 40 C.F.R. 63.77.

Statutory/Other Authority: ORS 468.020 & 468A.310
Statutes/Other Implemented: ORS 468A.310
History:
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0300
DEQ 13-1993, f. & cert. ef. 9-24-93

340-244-0200
Compliance Extensions for Early Reductions: Emissions Limitation for New and Reconstructed Major Sources

(1) Federal MACT. Any person who proposes to construct a major source of HAP after an applicable emissions standard has been proposed by the EPA pursuant to Section 112(d), Section 112(n), or Section 129 of the FCAA must comply with the requirements and emission standard for new sources when promulgated by EPA.

(2) State MACT. Any person who proposes to construct or reconstruct a major source of hazardous air pollutants before MACT requirements applicable to that source have been proposed by the EPA and after the effective date of the program must comply with new and reconstructed source MACT requirements of 40 C.F.R. Part 63, Subpart B.

(3) Compliance schedule. The owner or operator of a new or reconstructed source must on and after the date of start-up, be in compliance with all applicable requirements specified in the Federal or State MACT.

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.040
History:
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0500
DEQ 20-1997, f. & cert. ef. 9-25-97
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 13-1993, f. & cert. ef. 9-24-93

340-244-0210
Emission Standards: Emissions Limitation for Existing Sources

(1) Federal MACT. Existing major and area sources must comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to section 112(d), section 112(n), or section 129 of the FCAA and adopted by rule within this Division.

(2) State MACT. If the EPA fails to meet its schedule for promulgating a MACT standard for a source category or subcategory, DEQ must approve HAP emissions limitations for existing major sources within that category or subcategory according to 40 C.F.R. Part 63, Subpart B.

(a) The owner or operator of each existing major source within that category will file permit applications in accordance with OAR 340-218-0040 and 40 C.F.R. Part 63, Subpart B.

(b) If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source that is more stringent than the one established pursuant to this section, DEQ must revise the permit upon the next renewal to reflect the standard promulgated by the EPA. The source will be given a reasonable time to comply, but no longer than 8 years after the standard is promulgated;

(c) DEQ will not establish a case-by-case State MACT:

(A) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to section 111 of the FCAA. These sources are subject to applicable emissions standards under OAR chapter 340, division 230; or

(B) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to section 112(n) of the FCAA.

(3) Compliance schedule:

(a) The owner or operator of the source must comply with the emission limitation:

(A) Within the time frame established in the applicable Federal MACT standard, but in no case later than three years from the date of federal promulgation of the applicable MACT requirements; or

(B) Within the time frame established by DEQ where a state-determined MACT has been established or a case-by-case determination has been made.

(b) Notwithstanding the requirements of this section, no existing source that has installed Best Available Control Technology or has been required to meet Lowest Achievable Emission Rate before the promulgation of a federal MACT applicable to that emissions unit is required to

comply with such MACT standard until 5 years after the date on which such installation or reduction has been achieved, as determined by DEQ.

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468A.310
History:
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0505
DEQ 18-1998, f. & cert. ef. 10-5-98, Renumbered from 340-032-2500
DEQ 7-1998, f. & cert. ef. 5-5-98
DEQ 13-1993, f. & cert. ef. 9-24-93

340-244-0230
Gasoline Dispensing Facilities: Definitions

The following definitions apply to OAR 340-244-0232 through -0251. If the same term is defined in this rule and 340-200-0020, 340-244-0030, or 340-218-0030, the definition in this rule applies to OAR 340-244-0232 through -0251.

(1) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during a 12 consecutive month period.

(2) “CARB” means the California Air Resources Board.

(3) “Dual-point vapor balance system” means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for gasoline vapors.

(4) "Enhanced Conventional nozzle (ECO nozzle)” means a gasoline dispensing nozzle which does not exceed a spillage rate of 0.12 lbs/1000 gallons, liquid retention which does not exceed 100 mL/1000 gallons, spitting which does not exceed 1.0 mL per nozzle per test and post-fueling drips which do not exceed three Drops/Refueling. A nozzle certified by CARB through an executive order as an ECO nozzle will be considered compliant with this definition.

(5) “Enhanced Vapor Recovery (EVR)” means a complete vapor balance system which includes all components outlined in California Air Resources Board executive order VR-101, VR-102, VR-103, VR-104, or VR-105.

(6) “Equivalent control” means the use of alternate operational and/or equipment controls for the reduction of gasoline vapor emissions, that have been approved by DEQ, such that the aggregate emissions of gasoline vapor from the facility do not exceed those from the application of defined reasonably available control technology.

(7) “Existing” means a GDF that had commenced construction and had submitted all required construction notification or permit applications as of July 1, 2024 and is not reconstructed.

(8) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

(9) "Gasoline cargo tank" means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load.

(10) "Gasoline dispensing facility (GDF) " means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment. In Clackamas, Multnomah and Washington Counties, the Medford-Ashland AQMA, and the Salem-Keizer SKATS, “gasoline dispensing facility” includes any stationary facility which dispenses gasoline into the fuel tank of an airplane.

(11) “Medford-Ashland AQMA” is as defined in Oregon Administrative Rules chapter 340 division 204.

(12) "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

(13) “New” means not existing.

(14) “ORVR” means Onboard Refueling Vapor Recovery system. The system is a vehicle fuel vapor emission control system that captures volatile organic compounds during refueling.

(15) “Portland AQMA” is as defined in Oregon Administrative Rules chapter 340 division 204.

(16) “Reconstructed” means meeting the criteria for reconstruction as defined in 40 C.F.R. 63.2.

(17) "Salem-Keizer (SKATS)” is as defined in Oregon Administrative Rules chapter 340 division 204.

(18) "Stage I vapor balance system” (or vapor collection system, stage I) means a system where gasoline vapors are forced from a tank into a vapor-tight holding system or vapor control system through direct displacement by the gasoline being loaded.

(19) “Stage II vapor recovery system (stage II)” means a system where at least 90 percent, by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.

(20) "Submerged filling" means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in OAR 340-244-0245(2) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

(21) “Throughput” means the volume of gasoline loaded into, or dispensed from, gasoline storage tanks at a GDF.

(22) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.

(23) "Vapor balance system" means stage I vapor balance or collection system.

(24) “Vapor recovery system” means stage II vapor recovery system.

(25) "Vapor-tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

(26) "Vapor-tight gasoline cargo tank" means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 C.F.R. 63.11092(f).

340-244-0232
Gasoline Dispensing Facilities: Purpose

These rules establish emission limitations and management practices for hazardous air pollutants and volatile organic compounds emitted from the loading of gasoline storage tanks and dispensing of fuel at gasoline dispensing facilities. These rules also establish requirements to demonstrate compliance with the emission limitations and management practices.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 15-2008, f. & cert. ef 12-31-08

340-244-0234
Gasoline Dispensing Facilities: Affected Equipment and Sources

(1) The emission sources to which the ‘Gasoline Dispensing Facilities’ rules under OAR 340-244-0230 through 340-244-0251 apply are gasoline storage tanks and all associated equipment components in vapor or liquid gasoline service at a GDF.

(2) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the delivery of gasoline to a GDF, each gasoline storage tank, pressure/vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at a GDF.

(3) The emissions standards in OAR 340-244-0230 through 340-244-0251 do not apply to agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the Gasoline Dispensing NESHAP, if applicable (40 C.F.R. part 63 subpart CCCCCC).

(4) Each GDF will fall into one or more of the categories listed in this subsection. Where multiple categories apply to one GDF, the requirements of each applicable category apply to that GDF. Each GDF category is followed by a number which is used to indicate which rules in this division apply to that GDF:

(a) A GDF located anywhere in the state that has only gasoline storage tanks with capacity of less than 250 gallons. Hereafter referred to as GDF 1.

(b) A GDF located anywhere in the state with a gasoline storage tank that has a capacity of 250 gallons or more. Hereafter referred to as GDF 2.

(c) A GDF located anywhere in the state with 120,000 gallons or more of annual gasoline throughput. Hereafter referred to as GDF 3.

(d) A GDF located anywhere in the state with 600,000 gallons or more of annual gasoline throughput. Hereafter referred to as GDF 4.

(e) A GDF located anywhere in the state with 1,000,000 gallons or more of annual gasoline throughput. Hereafter referred to as GDF 5.

(5) The owner or operator of a GDF, as defined in this rule, is not required to obtain an Oregon Title V Operating Permit as a result of being subject to OAR 340-244-0230 through 340-244-0251 However, the owner or operator of a GDF must still apply for and obtain an Oregon Title V Operating Permit if meeting one or more of the applicability criteria found in 340-218-0020.

(6) The loading of aviation gasoline storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to OAR 340-244-0230 through 340-244-0251, except in Clackamas, Multnomah, and Washington Counties, Medford-Ashland AQMA and the Salem-Keizer SKATS. In these geographic areas, aviation gasoline is subject to 340-244-0230 through 340-244-0251.

(7) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to OAR 340-244-0245(1).

(8) If the affected source ever exceeds an applicable threshold, throughput or otherwise, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source later falls below the applicable threshold.

(9) For an existing affected source that becomes subject to a requirement to install a stage I vapor balance system, Enhanced Vapor Recovery system, or complete any other equipment change because of an increase in throughput, the owner or operator must have completed the equipment changes no later than two years after the affected source becomes subject to the additional or changed requirement.

OAR 340-244-0235
Gasoline Dispensing Facilities: General Duties to Minimize Emissions

The owner or operator of a GDF must, at all times, operate and maintain all equipment, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to DEQ which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.050
Statutes/Other Implemented: ORS 468A.025 & 468A.050
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 4-2013, f. & cert. ef. 3-27-13

(renumbered from -0239)

OAR 340-244-0237

Gasoline Dispensing Facilities: GDF 1

(1) The owner or operator of a GDF 1 as described in OAR 340-244-0234(4) must comply with the following requirements:
(a) Work Practices, No Top Off, and Submerged Fill under OAR 340-244-0245; and
(b) Recordkeeping under OAR 340-244-0250.

OAR 340-244-0238

Gasoline Dispensing Facilities: GDF 2

(1) The owner or operator of a GDF 2 as described in OAR 340-244-0234(4) must comply with the following requirements:
(a) All applicable requirements under OAR 340-244-0237; and
(b) Reporting under OAR 340-244-0251.

OAR 340-244-0241

Gasoline Dispensing Facilities: GDF 3

(1) The owner or operator of a GDF 3 as described in OAR 340-244-0234(4) must comply with the following requirements:
(a) All applicable requirements under OAR 340-244-0238; and
(b) Testing requirements under OAR 340-244-0249.
(2) The owner or operator of a **new** GDF 3 must comply with OAR 340-244-0248 and install a dual-point vapor balance stage I system on each gasoline storage tank with 250 gallon or greater capacity. Notwithstanding the testing requirements of OAR 340-244-0249, a complete stage I vapor balance system must be installed before equipment is placed in gasoline service.
(3) The owner or operator of an **existing** GDF 3 must comply with OAR 340-244-0248 and install a dual-point vapor balance stage I system on each new or replaced gasoline storage tank with 250 gallon or greater capacity.

OAR 340-244-0242

Gasoline Dispensing Facilities: GDF 4

(1) The owner or operator of a GDF 4 as described in OAR 340-244-0234(4) must comply with the following requirements:
(a) All applicable requirements under OAR 340-244-0241;
(4) The owner or operator of a **new** GDF 4 must comply with the following for each gasoline storage tank with 250 gallon or greater capacity:
(a) Install dual-point vapor balance under OAR 340-244-0248; and
(b) Install an enhanced vapor recovery system and ECO nozzles under OAR 340-244-0246.
(5) The owner or operator of an **existing** GDF 4 must comply with the following for each new, replaced, or reconstructed gasoline storage tank with 250 gallon or greater capacity:
(a) Install dual-point vapor balance under OAR 340-244-0248; and
(b) Install enhanced vapor recovery under OAR 340-244-0246.
(6) The owner or operator of an **existing** GDF 4 which has a complete stage II vapor recovery system must comply with OAR 340-244-0247, as applicable.

OAR 340-244-0243

Gasoline Dispensing Facilities: GDF 5

(1) The owner or operator of a GDF 5 as described in OAR 340-244-0234(4) must comply with the following requirements:
(a) All applicable requirements under OAR 340-244-0242;
(2) The owner or operator of a **new** GDF 5 must comply with the following for each gasoline storage tank with 250 gallon capacity or greater:
(a) Install dual-point vapor balance under OAR 340-244-0248; and
(b) Install an enhanced vapor recovery system and ECO nozzles under OAR 340-244-0246.
(3) The owner or operator of an **existing** GDF 5 must comply with the following by no later than July 1, 2025:
(a) Install dual-point vapor balance under OAR 340-244-0248; and

(b) Install an enhanced vapor recovery system and ECO nozzles under OAR 340-244-0246.

OAR 340-244-0245

Gasoline Dispensing Facilities: Work Practices, No Top Off, and Submerged Fill

(1) **Work Practices.** The owner or operator of a GDF must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

(a) Minimize gasoline spills;

(b) **Do not top off** or overfill vehicle tanks.

(A) If a person can confirm that a vehicle tank is not full after the nozzle clicks off, such as by checking the vehicle's fuel tank gauge, the person may continue to dispense fuel using best judgment and caution to prevent a spill;

(B) Post a sign at the GDF instructing a person filling up a motor vehicle to not top off the vehicle tank;

(c) Clean up spills as expeditiously as practicable;

(d) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;

(e) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(f) Ensure that cargo tanks unloading gasoline at the GDF comply with subsections (1)(a) through (d).

(2) **Submerged Fill.** Except for gasoline storage tanks with a capacity of less than 250 gallons, the owner or operator of a GDF must only load gasoline into storage tanks at the GDF by utilizing submerged filling, as defined in OAR 340-244-0230, and as specified in subsection (2)(a), (2)(b), or (2)(c). The applicable distances in subsections (2)(a) and (2)(b) must be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

(a) Submerged fill pipes installed on or before Nov. 9, 2006, must be no more than 12 inches from the bottom of the storage tank.

(b) Submerged fill pipes installed after Nov. 9, 2006, must be no more than 6 inches from the bottom of the storage tank.

(c) Submerged fill pipes not meeting the specifications of subsection (2)(a) or (2)(b) are allowed if the owner or operator of a GDF can demonstrate that the liquid level in the tank is and always

has been above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by DEQ during the course of a site visit or upon request within 48 hours.

(3) **Cargo Tank Unloading.** Any cargo tank unloading at a GDF equipped with a stage I vapor balance system or Enhanced Vapor Recovery system must connect to the system whenever gasoline is being loaded.

(4) Portable gasoline containers that meet the requirements of 40 C.F.R. part 59 subpart F are considered acceptable for compliance with subsection (1)(d).

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08

OAR 340-244-0246

Gasoline Dispensing Facilities: Enhanced Vapor Recovery Requirements

(1) All new, replaced, or reconstructed gasoline storage tanks referred to this section must be equipped with CARB certified Stage I Enhanced Vapor Recovery equipment or an equivalent approved by DEQ before being placed into gasoline service.

(2) All gasoline dispensing nozzles at a GDF referred to this section and not in Stage II vapor recovery service shall be Enhanced Conventional Nozzles by no later than July 1, 2024.

(3) Any alteration of the equipment, parts, design, or operation of the Stage I gasoline vapor balance system as certified by CARB is prohibited, and shall not be performed without prior approval from DEQ.

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

OAR 340-244-0247
Gasoline Dispensing Facilities: Stage II Vapor Recovery System

(1) The owner or operator of an **existing** GDF referred to this rule must determine, by no later than July 1, 2024, whether the currently installed stage II vapor recovery system is compatible or incompatible with motor vehicle Onboard Refueling Vapor Recovery systems (ORVR).

(a) Owners or operators with **compatible** stage II vapor recovery systems must comply with section (2) of this rule.
(b) Owners or operators with **incompatible** stage II vapor recovery systems must comply with section (3) of this rule.
(2) The owner or operator of an ORVR-compatible stage II vapor recovery system may remove the stage II vapor recovery system if the following conditions are met:
(a) The owner or operator complies with notice of construction requirements of division 210, as applicable;
(b) The owner or operator installs a complete Enhanced Vapor Recovery system and ECO nozzles under OAR 340-244-0246 no later than the same calendar day the complete stage II vapor recovery system is decommissioned or uninstalled;
(c) The owner or operator may request an extension to the same day installation deadline in subsection (2)(b). DEQ will grant the extension if the request includes an explanation of good cause for the extension and a certification that no gasoline dispensing will occur during the extension period until a complete Enhanced Vapor Recovery system and ECO nozzles are installed.
(3) The owner or operator of an ORVR-incompatible stage II vapor recovery system must remove the stage II vapor recovery system no later than December 31, 2024 and:
(a) Comply with the notice of construction requirements of division 210, as applicable;
(b) Install a complete enhanced vapor recovery system and ECO nozzles under OAR 340-244-0246 no later than the same calendar day the complete stage II vapor recovery system is decommissioned or uninstalled;
(c) The owner or operator may request an extension to the same day installation deadline in subsection (3)(b). DEQ will grant the extension if the request includes an explanation of good cause for the extension and a certification that no gasoline dispensing will occur during the extension period until a complete Enhanced Vapor Recovery system and ECO nozzles are installed.
(4) No owner or operator of a GDF may transfer or allow the transfer of gasoline into a motor vehicle fuel tank using a stage II vapor recovery system that is incompatible with motor vehicle ORVR systems after December 31, 2024.
(5) An owner or operator of a GDF that wants to install an ORVR-compatible stage II vapor recovery system when not otherwise required to do so by this division must submit a notice of construction under division 210 and receive written DEQ approval before installing the equipment.

NOTE: Underground piping requirements are described in OAR 340-150-0300 and 40 C.F.R. 280.20(d). Systems installed according to Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" or American Society of Mechanical Engineers Standard B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" are considered approved systems.

(6) Owners and operators of **existing** gasoline-dispensing facilities with stage II vapor recovery systems must:

(a) Provide adequate training and written instructions to the operator of the affected gasoline-dispensing facility and the gasoline transport vehicle. Written instructions must be readily available onsite (electronic or hardcopy);

(b) Inspect all components of the stage II vapor recovery system at least once every year;

(c) Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage II vapor recovery systems; and

(d) Connect and ensure proper operation of the stage II vapor recovery systems whenever gasoline is being loaded, unloaded or dispensed.

(7) Approval of a stage II vapor recovery system by DEQ does not relieve the owner or operator of the responsibility to comply with other applicable codes and regulations, including, without limitation, those pertaining to fire prevention, weights and measures, and safety matters.

(8) Regarding installation and testing of piping for stage II vapor collection systems:

(a) Piping must be installed in accordance with standards in OAR 340 division 150;

(b) Piping must be installed by a licensed installation service provider pursuant to OAR 340 division 160; and

(c) Piping must be tested prior to being placed into operation by an installation or tank tightness testing service provider licensed pursuant to OAR 340 division 160.

(9) Test methods are based on methods used in other states with established stage II programs. See DEQ, Operations Division, for copies of the approved test methods.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0402
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 16-1996, f. & cert. ef. 8-14-96
DEQ 25-1994, f. & cert. ef. 11-22-94
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91)

(renumbered from 340-242-0520)

OAR 340-244-0248

Gasoline Dispensing Facilities: Vapor Balance System

(1) The owner or operator of a GDF or storage tank referred to this rule, except for gasoline storage tanks with floating roofs or the equivalent, must meet each of the following management practice and equipment requirements that applies to the GDF:

(a) All vapor connections and lines on the storage tank must be equipped with closures that seal upon disconnect.

(b) The vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight, as defined in OAR 340-244-0230.

(c) The vapor balance system must be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer.

(d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, must be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations.

(e) If a gauge well separate from the fill tube is used, it must be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in OAR 340-244-0245(2).

(f) Liquid fill and vapor return connections for all systems must be equipped with vapor-tight caps.

(g) Pressure/vacuum (PV) vent valves must be installed on the storage tank vent pipes. The pressure specifications for PV vent valves must be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, must not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.

(h) The vapor balance system must be capable of meeting the static pressure performance requirement of the following equation:

$$Pf = 2e^{-500.887/v}$$

Where:

Pf = Minimum allowable final pressure, inches of water.

V = Total ullage affected by the test, gallons.

E = Dimensionless constant equal to approximately 2.718.

2 = The initial pressure, inches water.

(2) The owner or operator of a new GDF, reconstructed GDF that has had monthly throughput of 100,000 gallons of gasoline or more, or any new or replaced storage tank(s) at an existing GDF with monthly throughput of 100,000 gallons of gasoline or more must install and operate a dual-point vapor balance system, as defined in OAR 340-244-0230, on each affected gasoline storage tank and comply with the design criteria in section (1) of this rule.

(3) The owner or operator of a cargo tank unloading at a GDF must comply with the requirements of OAR 340-244-0245(1) and must not unload gasoline into a storage tank at a GDF with stage 1 vapor balance controls unless the following conditions are met:

(a) All hoses in the vapor balance system are properly connected;

(b) The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect;

(c) All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight;

(d) All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank;

(e) All hatches on the tank truck are closed and securely fastened; and

(f) The filling of storage tanks at GDF must be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 must be carried on or with the cargo tank.

(4) The owner or operator of a GDF or gasoline storage tank referred to this rule must comply with the following requirements:

(a) When loading a gasoline storage tank equipped with a stage I vapor balance system, connect and ensure the proper operation of the system whenever gasoline is being loaded.

(b) Maintain all equipment associated with the stage I vapor balance system to be vapor tight and in good working order.

(c) In order to ensure that the stage I vapor balance equipment is maintained to be vapor tight and in good working order, have the vapor balance equipment inspected on an annual basis to discover potential or actual equipment failures.

(d) Replace, repair or modify any worn or ineffective component or design element within 24 hours to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within 2 working days of detecting such a leak. Such repair parts must be installed within 5 working days after receipt.

(5) The owner or operator of a GDF or storage tank referred to this rule must:

(a) Not allow or perform any alteration of the equipment, parts, design, or operation of the Enhanced Vapor Recovery system as certified by CARB without prior written approval from DEQ;

(b) Maintain spill containers (buckets) for gasoline storage tanks free of liquid and solid materials;

(c) Equip gasoline dispensing hoses with a CARB or DEQ approved emergency breakaway device designed to retain liquid on both sides of a breakaway point. When hoses are attached to a hose-retrieving mechanism, the emergency breakaway device must be located between the hose nozzle and the point of attachment of the host retrieval mechanism to the hose.

(d) Limit the maximum flow rate from each dispenser to no more than 10 gallons per minute (37.9 liters per minute). The flow rate may be controlled through any means in the pump/dispenser system, provided the flow rate limit is complied with. Any dispensing pump that is dedicated exclusively to heavy-duty vehicles, boats, or airplanes is exempt from this requirement.

(6) In any instance in which the applicable equipment or requirements of this rule conflict with applicable equipment or Enhanced Vapor Recovery requirements of OAR 340-244-0246, rule -0246 will be considered more stringent and will supersede this rule.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.050
Statutes/Other Implemented: ORS 468A.025 & 468A.050
History:
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 149-2018, minor correction filed 04/11/2018, effective 04/11/2018
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08

[renumbered from -0242 and taken out of table attachment]

OAR 340-244-0249

Gasoline Dispensing Facilities: **Testing and Monitoring Requirements**

(1) Effective March 1, 2024 the testing listed in Table 1 shall be conducted and passed for each stage I vapor balance system, stage I enhanced vapor recovery system, and stage II vapor recovery system, as applicable.

(a) For **new stage I systems**, initial testing shall be conducted and passed prior to placing the equipment into gasoline service. If necessary for testing purposes, enough gasoline to conduct the performance test may be loaded into the gasoline storage tank(s) at the GDF.

(b) For **existing stage I systems** that have not yet conducted initial testing, initial testing must be completed before December 31, 2024.

(c) For **existing stage I and stage II systems** that have conducted initial or recurring testing, the applicable testing in Table 1 of this rule must be completed no later than the end of the calendar month during which the most recent test was conducted, unless otherwise approved by DEQ.

(d) The owner or operator must demonstrate to DEQ that the stage I or stage II system has passed the required testing according to the frequency established in Table 1 of this rule.

NOTE: A failed test completed timely and a passing test completed after the required frequency is noncompliance with this rule. Frequency requirements established in Table 1 of this rule pertain to test results which demonstrate the stage I or stage II system is functioning properly according to the applicable test method.

Table 1 – Stage I Vapor Balance and Stage II Vapor Recovery System Testing

Test[1]	**Frequency[2]**
CARB Vapor Recovery Test Procedure 201.3 (TP-201.3) "Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities" Or Bay Area Air Quality Management District Source Test Procedure ST-30 “Static Pressure Integrity Test — Underground Storage Tanks”	Annually
CARB Test Procedure 201.1B (TP-201.1B) "Static Torque of Rotatable Phase I Adaptors"	Annually[3]
Depending on the system configuration, either: • Test Procedure 201.1C (TP-201.1C) "Leak Rate of Drop Tube/Drain Valve Assembly" or • Test Procedure 201.1D (TP-201.1D) "Leak Rate of Drop Tube Overfill Prevention Devices and Spill Container Drain Valves"	Annually[4]

CARB Vapor Recovery Test Procedure 201.1E (TP-201.1E) "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves" adopted October 8, 2003[5] or CARB Vapor Recovery Test Procedure 201.1E (TP-201.1E) Alternate version (August 5, 2005).	Every 3 years
Depending on the system configuration, either: • CARB Vapor Recovery Test Procedure 201.5 (TP-201.5) "Air to Liquid Volume Ratio" or • Alternative system compatible test method approved by DEQ	Annually[6]

[1] Test procedures and processes as of July 1, 2023 unless otherwise specified.

[2]All tests shall be conducted at the frequency indicated in Table 1 no later than the end of the calendar month during which the initial test was conducted unless otherwise approved by DEQ.

[3]Only applicable to Enhanced Vapor Recovery systems with rotatable adaptors.

[4]Only applicable to Enhanced Vapor Recovery systems with drop tube/drain valve assembly, overfill prevention devices, and/or spill container drain valves.

[5]Incorporated by reference into the C.F.R. See 40 C.F.R. 63.14.

[6]Only applicable to stage II vapor recovery systems which use a motor at the dispenser to actively pull air and vapor back into the vapor system at the GDF.

(2) In lieu of the section (1) testing requirements of this rule applicable to stage I vapor balance or Enhanced Vapor Recovery systems, the owner or operator may request that DEQ approve a continuous pressure monitoring system that is installed and maintained in accordance with CARB Vapor Recovery Test Procedures CP-201 and TP-201.7 and the manufacturer's written instructions. Written DEQ approval is required before the owner or operator may use this section in lieu of section (1).

(3) Each owner or operator of a GDF choosing to use a vapor balance system other than that described in this division, must comply with the procedures specified in the provisions of 40 C.F.R. 63.6(g) before placing the alternative system into gasoline service.

(4) Conduct of performance tests. All performance tests must be conducted under conditions based on representative performance, i.e., performance based on normal operating conditions, of the affected source. Upon request by DEQ, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests and representative performance.

(5) Owners and operators of gasoline cargo tanks subject to the provisions of OAR 340-244-0248(3) must conduct annual certification testing according to the vapor tightness testing requirements found in 40 C.F.R. 63.11092(f). EPA Method 27 as in effect on July 1, 2023 is hereby incorporated by reference. 40 C.F.R. part 60 Appendix A-8.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

[NOTE: View a PDF of referenced documents by clicking on 'Tables" link below.]

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.070
Statutes/Other Implemented: ORS 468A.025 & 468A.070
History:
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 15-2008, f. & cert. ef 12-31-08

(renumbered from OAR 340-244-0244)

OAR 340-244-0250

Gasoline Dispensing Facilities: Recordkeeping

(1) The owner or operator of a GDF must have records available within 24 hours of a request by DEQ to document gasoline throughput.

(2) Each owner or operator of a GDF must keep the following records:

(a) Records of all tests performed under this division;

(b) Records related to the operation and maintenance of stage I vapor balance, Enhanced Vapor Recovery, and stage II vapor recovery equipment. Any of these equipment in gasoline or vapor service with a defect must be logged and tracked by station personnel using forms provided by DEQ or a reasonable facsimile;

(c) Records of total throughput volume of gasoline, in gallons, for each calendar month;

(d) Records of permanent changes made at the GDF and equipment in gasoline service which may affect emissions;

(e) Records of the occurrence and duration of each malfunction of operation, including, without limitation, malfunctions of process equipment or the air pollution control and monitoring equipment; and

(f) Records of actions taken during periods of malfunction to minimize emissions in accordance with OAR 340-244-0235, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(g) If subject to OAR 340-244-0245(2), submerged fill requirements, the owner or operator must keep documentation from the equipment manufacturer, a service provider, or other similar documentation which demonstrates that each submerged fill tube is a compliant length. These records must be retained for as long as the owner or operator is subject to any submerged fill requirements under OAR 340-244-0245(2).

(3) Records required under section (2) must be kept for a period of 5 years, unless otherwise specified, and must be made available for inspection by DEQ during the course of a site visit.

(4) Each owner or operator of a gasoline cargo tank subject to the requirements in OAR 340-244-0248(3) must keep records documenting vapor tightness testing for a period of 5 years.

(a) Records of vapor tightness testing must include at least the following:

(A) Name of test: ‘Annual Certification Test—Method 27’;

(B) Cargo tank owner's name and address;

(C) Cargo tank identification number;

(D) Test location and date;

(E) Tester name and signature;

(F) Witnessing inspector, if any: Name, signature, and affiliation.

(G) Vapor tightness repair**:** Nature of repair work and when performed in relation to vapor tightness testing; and

(H) Test results: Test pressure, pressure or vacuum change, mm of water, time period of test, number of leaks found with instrument, and leak definition.

(b) Records of vapor tightness testing must be retained with the cargo tank; or

(c) As an alternative to keeping all records with the cargo tank under (4)(b), the owner or operator of a gasoline cargo tank may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous 4 years at their office or another central location. Vapor tightness testing records that are kept at a location other than with the cargo tank

must be instantly available (e.g., via e-mail or facsimile) to DEQ during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.050
Statutes/Other Implemented: ORS 468A.025 & 468A.050
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 15-2008, f. & cert. ef 12-31-08

(renumbered from -0248)

OAR 340-244-0251

Gasoline Dispensing Facilities: Reporting

(1) **Test Reports**. Each owner or operator of a GDF subject to the requirement to install and operate a stage I vapor balance, Enhanced Vapor Recovery, or stage II vapor recovery system must report to DEQ the results of all volumetric efficiency tests required under this division. Reports submitted under this rule must be submitted within 30 days of the completion of the performance testing.

(2) **Annual reports**. Each owner or operator of a GDF that has monthly throughput of 10,000 gallons of gasoline or more must report, by February 15 of each year, the following information, as applicable.

(a) The total throughput volume of gasoline, in gallons, for each calendar month;

(b) A summary of changes made at the GDF on stage I vapor balance and stage II vapor recovery equipment which may affect emissions;

(c) List of all major maintenance performed on pollution control devices and equipment in gasoline service;

(d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded;

(e) A description of actions taken by the owner or operator of a GDF during a malfunction to minimize emissions in accordance with OAR 340-244-0235, including actions taken to correct a malfunction.

(3) **Initial Notifications**. Each owner or operator of a GDF with monthly throughput of 10,000 gallons of gasoline or more must:

(a) Submit an Initial Notification that the owner or operator is subject to the Gasoline Dispensing Facilities NESHAP by May 9, 2008, or within 90 days of reaching 10,000 gallons of monthly gasoline throughput. The Initial Notification must contain the information specified in paragraphs (3)(a)(A) through (D). The notification must be submitted to EPA's Region 10 Office and DEQ as specified in 40 C.F.R. 63.13.

(A) The name and mailing address of the owner and the operator;

(B) The address, i.e., physical location, of the GDF;

(C) The volume of gasoline loaded into all storage tanks or the volume of gasoline dispensed from all storage tanks during the previous twelve months; and

(D) A statement that the notification is being submitted in response to the Gasoline Dispensing Facilities NESHAP and identifying the requirements in OAR 340-244-0245 that apply to the owner or operator of a GDF.

(b) The owner or operator of an existing GDF who has already submitted an Initial Notification does not need to submit an additional Initial Notification to comply with this section (3) unless requested to do so, in writing, by DEQ.

(4) **Notification of Compliance Status**. The owner or operator of a GDF must submit a Notification of Compliance Status to EPA's Region 10 Office and DEQ, as specified in 40 C.F.R. 63.13, within 60 days of the GDF becoming an affected source subject to the requirements of this division.

(a) The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of this division, and must indicate whether the GDF's monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks.

(b) If the owner or operator's GDF is in compliance with the requirements of this division at the time the Initial Notification required under section (3) of this rule is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under section (3).

(5) **Notification of Performance Test**. The owner or operator of a GDF must submit a Notification of Performance Test, as specified in 40 C.F.R. 63.9(e), at least 60 days prior to initiating testing required by OAR 340-244-0249.

(6) The owner or operator of a GDF must submit additional notifications specified in 40 C.F.R. 63.9, as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.050
Statutes/Other Implemented: ORS 468A.025 & 468A.050
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.050
Statutes/Other Implemented: ORS 468A.025 & 468A.050
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 15-2008, f. & cert. ef 12-31-08

(renumbered from -0250); (combined with 'notifications' -0246)

Division 242
RULES APPLICABLE TO THE PORTLAND AREA

(repeal all gasoline dispensing rules from division 242 and incorporate into division 244)