State of Oregon Department of Environmental Quality

Notice of Proposed Rulemaking

Jan. 30, 2024

Gasoline Dispensing Facility Emissions

This package contains the following documents:

- Notice of Rulemaking
- Fiscal Impact Statement
- State Implementation Plan Update and Revision
- Draft Rules – Edits Highlighted
- Draft Rules – Edits Included (final clean version)

Note for Readers:

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Table of Contents

Introduction

DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules related to vapor controls at gasoline dispensing facilities. Out of an abundance of caution, DEQ is issuing this amended notice and opening a second public comment period for this rulemaking after an initial comment period was open from Nov. 30, 2023 until Jan. 5, 2024. Parties who timely submitted written comments in response to that prior rulemaking notice and who have the same comments in response to this amended notice need not re-submit those comments.

If adopted, DEQ would submit some of these rules to the U.S. Environmental Protection Agency for approval and incorporation into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040.

Request for Other Options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

DEQ proposes to revise the rules applicable to Gasoline Dispensing Facilities found at Oregon Administrative Rules chapter 340 divisions 242 and 244. The rules are intended to reduce emissions from GDFs by requiring:

- Newly constructed facilities to install new or more effective vapor controls,
- Existing facilities to install new or more effective vapor controls when storage tanks are added or replaced,
- Specific vapor controls that will result in emissions increases change to another type of control, and
- Some larger facilities to install more effective vapor controls by a specific date.

Procedural Summary

More information

Information about this rulemaking is on this rulemaking's web page: Gasoline Dispensing Facility Emissions.

Public Hearings

A public hearing for this rulemaking was originally held on Jan. 3, 2024 as provided in the Nov. 30, 2023 public notice. DEQ plans to hold another public hearing that anyone may attend

virtually via Zoom or by phone.

Date: Feb. 15, 2024
Start time: 5:30 p.m.

Join via Zoom

Meeting ID: 867 3058 1089

One tap mobile
+17193594580,,86730581089# US
+12532050468,,86730581089# US

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. DEQ will accept comments by email, postal mail or verbally at the public hearing.

- Email: Send comments by email to: Gdf.2022@deq.oregon.gov
- Postal mail: Oregon DEQ, Attn: Dan DeFehr, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At public hearing: 5:30 p.m., Wednesday, Feb. 15, 2024

Comment deadline

DEQ will consider comments on the proposed rules received by: 4 p.m., on Feb. 21, 2024.

Note for public university students

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking by either:

- Signing up through GovDelivery, or
- Signing up on the rulemaking web site: Gasoline Dispensing Facility Emissions rulemaking web page.

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ's intended action is to present the proposed rule changes to the EQC as soon as possible after the earliest date on which the rule changes could take effect. DEQ intends to submit the proposed rule changes to the EQC on or after March 21, 2024.

Statement of need

What need would the proposed rule address?

Under current rules, some GDFs are required to install and utilize what is called Stage 2 vapor recovery systems. These systems are comprised of specific types of hoses and nozzles which capture emissions generated by the dispensing of fuel into motor vehicles and return the vapor emissions back to the facility's gasoline storage tank. Current projections estimate that certain types of Gasolines Dispensing Facility emission control technologies will result in increased emissions by the end of calendar year 2024 due to technological changes in passenger vehicles.

Passenger vehicles manufactured on or after 2000 are equipped with Onboard Refueling Vapor Recovery systems. These ORVR systems are designed to also capture the gasoline vapor emissions during the motor vehicle refueling process. One type of Stage 2 vapor recovery system conflicts with the operation of these ORVR systems. In these instances, both ORVR and Stage 2 systems try to capture the vapor at the same time, which causes vapors to be released.

Many GDFs required to hold an air permit are not required to install equipment to control gasoline vapors. For those that are required to install control equipment, there have been developments in vapor control technology that have made some previous control systems outdated or otherwise ineffective. These technology changes are largely attributed to changes to the regulations in California applicable to these facilities by the California Air Resources Board and are referred to in the proposed rules as Stage 1 Enhanced Vapor Recovery systems.

Some rules within division 244 have been renumbered to accommodate various changes throughout the division. Some requirements have been consolidated, clarified or expanded upon while some others have been removed as they are now obsolete.

How would the proposed rule address the need?

The proposed rules would address the need by requiring facilities with Stage 2 vapor recovery systems incompatible with ORVR to change to another type of emission control.

The proposed rules would also require installation of new or more effective vapor controls in various situations. For example, a new GDF that would have not been required to install any vapor controls would be required to at least install a Stage 1 vapor balance system to control vapors during storage tank refilling; an existing GDF that is adding or replacing a storage tank would have to also install Enhanced Vapor Recovery systems based on their past records of dispensed fuel.

How will DEQ know the rule addressed the need?

DEQ will know that the rule has addressed the need if newly constructed GDFs submitting new permit applications indicate that vapor control equipment is installed or proposed to be installed. DEQ will also know that the rules have addressed the need when agency staff receive the required Notice of Construction applications from GDF owners or operators detailing the control equipment proposed to be installed on new or replaced storage tanks.

Based on current Oregon vehicle data and ORVR penetration of the statewide passenger vehicle fleet, making no changes to the Stage 2 vapor recovery equipment in the Portland tri- county area will result in an increase of VOC emissions of between 113 and 130 tons per year by the end of calendar year 2024. DEQ will know the rules have addressed the need when, by 2025, all Stage 2 systems incompatible with ORVR have been removed or replaced with ORVR compatible systems.

Federal relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing comparable federal laws and rules unless there are reasons not to do so.

The proposed rules add requirements in addition to those in federal requirements. Current requirements in Oregon Administrative Rules chapter 340 division 242 and 244 applicable to GDF owners and operators supplement applicable federal requirements found under the Code of Federal Regulations (40 C.F.R. part 63 subpart CCCCCC). The proposed rules modify and add requirements to various affected facilities to reduce Hazardous Air Pollutant and criteria pollutant emissions, improve air quality, improve public health, and require enhanced pollution controls that are readily available. For most facilities in the state, the proposed rules establish that control equipment changes are required when an existing gasoline storage tank is being replaced or added to the facility.

DEQ's existing rules closely align with the federal regulation applicable to gas station owners and operators with two main differences. One, the threshold to install vapor controls was lower than the applicable federal regulation in some areas of the state. Two, additional pollution controls, separate from the federal regulation, were required of medium and high- throughput sites located in Clackamas, Multnomah, and Washington counties. These two different and more stringent concepts were incorporated into Division 242 and 244 to reduce emissions of Volatile Organic Compounds in areas that were close to, or had previously exceeded, National Ambient Air Quality Standards.

The proposed rules remain different than federal regulations but change several key aspects of controlling emissions from GDFs. The proposed rule requirements listed below remain different than federal requirements.

Current vs. Proposed Rules **Relation to Federal Regulations**	
Current Rules	**Proposed Rules**
Stage 1 Vapor Balance • In special control areas[11], required on any gasoline storage tank 1,500+ capacity. • In special control areas, required on all gasoline storage tanks 250+ gallon capacity at facility with 120,000+ gallons annual throughput. • In the rest of the state, required at	Stage 1 Vapor Balance • Statewide at facility with 120,000+ gallons annual throughput (existing facilities install when a tank is added or replaced). • Required to be maintained instead

Current vs. Proposed Rules Relation to Federal Regulations	
Current Rules	**Proposed Rules**
facilities with 480,000+ gallons annual throughput.	of Stage 1 EVR for single-point storage tanks.
Stage 2 Vapor Recovery[12] Required in Clackamas, Multnomah, and Washington Counties for facilities with 600,000+ gallons annual throughput.	Stage 2 Vapor Recovery • Compatible with ORVR systems can remain as-is or elect to remove and install Stage 1 EVR. Incompatible with ORVR systems can switch to compatible-with- ORVR or install Stage 1 EVR.
Stage 1 Enhanced Vapor Recovery[13] Not addressed or required.	Stage 1 Enhanced Vapor Recovery Required on dual-point storage tanks by 12/31/2029 at facilities with 1,000,000+ gallons annual throughput.

[11] Special control areas are defined in OAR chapter 340 division 204. Control areas with specific requirements of GDF owners/operators include: Portland AQMA, Medford AQMA, Salem SKATS. Federal requirements establish stage 1 vapor balance at 100,000+ gallons per month or 1,200,000+ gallons per year.
[12] Stage 2 Vapor Recovery is not required by federal regulations.
[13] Stage 1 Enhanced Vapor Recovery is not required by federal regulations.

What alternatives did DEQ consider if any?

Throughout the drafting of the proposed rules and associated Rules Advisory Committee meetings, DEQ considered the following alternatives:

- Requiring high-throughput facilities to replace single point storage tanks with dual point tanks and install stage 1 enhanced vapor recovery;
- Requiring ORVR-noncompatible stage 2 vapor recovery facilities to replace all single point storage tanks with dual point tanks and install stage 1 enhanced vapor recovery;
- Requiring low permeation hoses;
- Requiring additional facilities to install stage 1 enhanced vapor recovery and enhanced conventional nozzles; and
- Adopting rules identical to federal requirements.

DEQ did not adopt the first three alternatives listed above because retrofitting an existing storage tank from single point to dual point can cost approximately $40,000 to $50,000 if there are no other unanticipated issues found by the service provider or contractor. This cost would be a substantial impact to small business owners and likely require the facility to close to the public while the work was being done. The alternative to retrofitting a tank would be to completely replace it, which in most cases would exceed $100,000 per tank. This retrofit and replacement cost is also the reason that the proposed rules will allow a stage 2 ORVR-incompatible facility the option to change to an

ORVR-compatible stage 2 system.

Based on existing compliance testing requirements, DEQ is confident that the proposed rules will result in less equipment failures and malfunctions, improved equipment maintenance, and reduced VOC emissions.

Low permeation hoses were not included in the proposed rules as the emissions reduced per dollar spent on the equipment did not seem like a reasonable ask of owners and operators compared to the emissions saved or reduced from stage 1 enhanced vapor recovery systems.

The scientific, economic, technological, administrative and other reasons that DEQ is proposing rules that exceed applicable federal requirements are:

- Gasoline dispensing facilities are the second largest point source category of VOC emissions in the state, accounting for approximately 2,300 tons of VOC per year.
- Gasoline vapors contain Hazardous Air Pollutants, Toxic Air Contaminants and Volatile Organic Compounds which have documented health and environmental impacts. A reduction of these compounds in the atmosphere furthers DEQ's mission to restore, maintain, and enhance the quality of Oregon's air.
- The fiscal and economic impact assessment outlines the relatively reasonable cost of compliance for an affected facility. Some sources with more emissions will incur a higher or more immediate cost to comply with the proposed rules. Several more costly alternatives were not proposed by DEQ to ensure the economic impact of the proposed rules was reasonable and reduced the impact to small businesses.
- The control technology required by the proposed rules is readily available for purchase through several large equipment suppliers. For most affected sources, the proposed rules establish different or additional control equipment when the affected source is engaged in relatively large-scale work on site (e.g., installing a new storage tank or replacing an existing storage tank).
- DEQ's current rules are more stringent than applicable federal requirements. Therefore, alignment of DEQ's rules with currently applicable federal requirements would result in a net increase in VOC emissions.

Rules affected, authorities, supporting documents

Lead division

Air Quality

Program or activity

Air Contaminant Discharge Permit program, Title V Operating Permit program.

Chapter 340 action

Adopt				
244-0231	244-0237	244-0241	244-0243	244-0251
Amend				
200-0040	216-0060	244-0030	244-0100	244-0200
244-0210	244-0232	244-0234	244-0238	244-0242
244-0246	244-0248	244-0250	244-0252	
Amend and Renumber				
244-0235 (renumber from 244-0239)	244-0245 (renumber from 244-0240)	244-0247 (renumber from 242-0520)	244-0249 (renumber from 244-0244)	
Repeal				
242-0500	242-0510			

Statutory Authority - ORS				
468A	468.020	468.065	468A.025	468A.040
468A.310	468A.315	468	468A.050	468A.070

Statutes Implemented - ORS				
468A.035	468A.135	468	468A	468A.040
468A.310	468A.025	468A.050	468A.070	

Documents relied on for rulemaking

Document title	Document location
'Div244_EVR Systems.PDF' California Air Resources Board Executive Orders for approved Stage 1 Enhanced Vapor Recovery Systems	DEQ 700 NE Multnomah St. STE 600 Portland OR 97232
'GDF_Permits_list_PN.xlsx' Report run from the air quality permitting database 'TRAACS'. Shows the number of General ACDP GDFs.	DEQ 700 NE Multnomah St. STE 600 Portland OR 97232
'UST_Tank_InstallDates_PN.xlsx' Gasoline storage tank installation dates from the Underground Storage Tank program.	DEQ 700 NE Multnomah St. STE 600 Portland OR 97232
'Fiscal_Equipment_Costs_PN.xlsx' Compilation of cost estimates from various sources.	DEQ 700 NE Multnomah St. STE 600 Portland OR 97232

Fee Analysis

This rulemaking does not involve fees. However, due to the proposed rules, some sources may fall under a different fee class. Some affected sources are currently paying the General ACDP fee class 5; the proposed rules would move all General ACDP permitted Gasoline Dispensing Facilities under the annual ACDP fee class 4. This results in some affected sources paying a higher fee amount annually.

Statement of fiscal and economic impact

Fiscal and Economic Impact

The proposed rules have fiscal and economic impacts on businesses, state and federal agencies, units of local governments and the public. Fiscal impacts can be positive or negative to those affected. For example, reducing health costs to the public would be a positive impact, and increasing costs of regulatory compliance for businesses would be a negative impact.

The proposed rules establish five types of GDF, each of which is subject to different requirements and will have a different fiscal impact. The proposed rules also establish different control requirement implementation based on the status of the facility, new or existing, and throughput. Throughput is the amount of gasoline loaded into or dispensed from storage tanks at the facility. Some facilities permitted for entirely separate processes and activities also have one or more gasoline storage tanks and dispensers on site. These facilities must have applicable GDF requirements included in their permit and may also experience a fiscal impact. In most cases, requirements for these facilities include work practices, submerged fill, recordkeeping and reporting, but will not require specific equipment for vapor control.

The proposed rule changes create no new fees but do propose to modify the applicable fee structure for some facilities currently assigned to a General Air Contaminant Discharge Permit.

There are five types of GDFs established in the proposed rules. Multiple GDF types can apply to one facility based on the facility's equipment and throughput. Each type, increasing from one to five, will establish additional applicable requirements. The types are:

GDF 1: A facility that has only gasoline storage tanks with less than 250-gallon capacity.
GDF 2: A facility that has any gasoline storage tank with a capacity of 250 gallons or greater.
GDF 3: A facility that has 120,000 gallons or more of annual gasoline throughput.
GDF 4: A facility that has 600,000 gallons or more of annual gasoline throughput.
GDF 5: A facility that has 1,000,000 gallons or more of annual gasoline throughput.

For example, Facility X has annual gasoline throughput of 650,000 gallons and each gasoline storage tank on site has a 10,000-gallon capacity, so the GDF 2, 3 and 4 rules would apply to this facility.

GDF 1 and 2 facilities are expected to incur a minimal economic or fiscal impact with additional impact to GDF 3, 4, and 5 facilities. The GDF 1 and 2 facilities have minimal changes from the current rules, with no specific vapor control requirements established in addition to what has been required for several years. With the throughput thresholds established in the proposed rules, GDF facilities 3, 4, and 5 are required to install various types of vapor control equipment at different times, increasing the fiscal impact.

The following tables outline the expected fiscal and economic impact for affected facilities.

Fiscal & Economic Impact GDF 1[1] and 2[2] Facilities			
GDF 1		**GDF 2**	
New & Existing Facilities		**New & Existing Facilities**	
Expected Cost	$180	Expected Cost	$180
Assumptions & Information The cost estimate for this is based on an administrative or office support position hourly rate average for Oregon ($18/hr.[3]) multiplied by an estimated ten hours of time spent to review the new rules, any updated or changed permit conditions, and assessing current or planned business practices to ensure compliance.			
Number of affected sources	Unknown[4]	Number of affected sources	1,375[5]

GDF 3, 4, and 5 Impact

To determine the fiscal and economic impact of these rules, DEQ compared equipment that is currently required to be installed with the cost of the newly required components from the proposed rules. Owners and operators will install different equipment based on the facility's throughput (gallons of gasoline loaded into or dispensed from the storage tanks on site), whether the facility is new or existing, and whether a gasoline storage tank is being added or replaced.

Each existing GDF in the state has a specific number of dispensers, hoses, nozzles, storage tank vent valves, and storage tanks. To estimate the cost of these proposed changes, DEQ reviewed the number of these components that are known to be installed at facilities across the state and used the average.

[1] GDF1 = a facility that has *only* gasoline storage tanks that have less than a 250-gallon capacity.
[2] GDF 2 = a facility that has a gasoline storage tank with 250-gallon capacity or greater.
[3] Entry Level Office Assistant Salary in Oregon (Hourly) (ziprecruiter.com)
[4] A GDF or facility that only has gasoline storage tanks less than 250-gallon capacity is most likely not subject to air permitting requirements. The current rules do not establish requirements for these facilities outside of recordkeeping and work practices and DEQ has no information regarding how many facilities have these small storage tanks.
[5] Each permitted GDF has at least one storage tank with 250-gallon or greater capacity. Number of affected facilities established by using the current number of GDF general ACDPs (1,169) and adding 15% of other air permits, which may have a storage tank and dispenser on site (206 additional facilities).

Average Equipment at GDFs in Oregon	
Equipment or Component	**Average Number at a Facility**
Pressure Vacuum Vent Valves	2.29
Dispensers	6.9
Gasoline Hoses	11
Gasoline Storage Tanks	2.63

It is also important to clarify that under the current rules applicable to GDFs, different stations across the state will have different types of vapor controls installed. For example, a GDF in the Portland metro area is required to install a complete Stage I Vapor Balance system on any gasoline storage tank at or above 1,500-gallon capacity, while a facility in Bend, Oregon would need to install the same system only after exceeding 480,000 gallons of gasoline throughput in a 12-month period.

Furthermore, vapor controls at the dispensing point, known as Stage II Vapor Recovery, are required at 600,000 gallons per year but only for facilities in Clackamas, Washington, or Multnomah County. Given the relatively high variance in facility equipment and requirements across the state, the fiscal impact descriptions below also clarify how the expected cost was calculated.

GDF 3 (facility with annual throughput of 120,000 or more gallons per year)

The fiscal impact on a GDF 3 facility varies based on whether it is new or existing, and whether it is in one of several specific areas of the state. Since a GDF 3 within Clackamas, Washington, or Multnomah County, or in the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS would have likely required a complete Stage I Vapor Balance system under the current rules, the fiscal impact of the proposed rules is compared to the cost of compliance with and equipment required by, the current rules. Additional details outlining how these cost estimates were calculated are included in the table below.

1. New facility within these specific areas of the state would expect to experience a cost of approximately $360.
2. New facility outside of these specific areas of the State would expect to experience an increase in cost of approximately $7,239[6] (assuming the new facility does not exceed 480,000 gallons, at which point the difference is reduced to the $360 described above). The cost would be realized when equipment was purchased and installed.
3. Existing facility within these specific areas is expected to experience a cost of approximately $330.

[6] This estimate is expected to be conservative (high) as it does not account for the cost of equipment that the facility would otherwise be purchasing in place of the Stage I Vapor Balance equipment.

4. Existing facility outside these specific areas is expected to see a cost difference of approximately $3,465[5] (assuming the existing facility does not exceed 480,000 gallons, at which point the difference is reduced to the $330 described above). The cost would be realized when a gasoline storage tank was replaced or added to the existing facility.

Number of affected sources:

- 247 total GDF 3 facilities
    - 76 GDF 3 sources within Clackamas, Washington, or Multnomah County, or in the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS
    - 171 GDF 3 sources outside of these areas

Expected reduction in VOC emissions from this change:

- 56 tons of VOC reduction statewide.
- No emissions reductions in Clackamas, Washington, or Multnomah County, or in the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS.

<table>
<tr><th colspan="2">GDF 3</th></tr>
<tr><th>Impact on Permitted Businesses</th><th>Impact on DEQ</th></tr>
<tr><td>Install Stage I Vapor Balance equipment when facility is reconstructed, a new tank is added, or an existing tank is replaced.

All new or replaced tanks must be dual point.

Newly constructed facilities install dual points tanks and a complete Stage I Vapor Balance system upon startup.

Time spent to review rules, permits, and assess current/proposed operations, equipment and procedures.</td><td>Existing: Slight increase in the amount of construction notices to review and process. Many facilities are already required to submit notifications when replacing or installing a new tank.

New: Increase in time spent per inspection of each new GDF 3 facility in specific areas of the State (up to 0.5 hours per facility) to inspect vapor control equipment that was not previously required.</td></tr>
<tr><td colspan="2">1. [New in Clackamas, Washington, or Multnomah County, or in the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS] A new GDF within the specific areas of the State described above would have been required to install Stage I Vapor Balance equipment under the current rules. The increased cost to these facilities is expected to be approximately 20 hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.[7]) to review the new rules, any updated or</td></tr>
</table>

[9] Entry Level Office Assistant Salary in Oregon (Hourly) (ziprecruiter.com)

changed permit conditions, and assessing current or planned business practices to ensure compliance.

2. **[New facility outside Clackamas, Washington, or Multnomah County, or the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS]** A new GDF anywhere else in the State would have required Stage I Vapor Balance equipment at the 480,000 gallons per year throughput threshold under current rules. Assuming the new facility was going to remain below this level and would not have required a Stage I Vapor Balance system, the increased cost from these proposed rules includes Stage I Vapor Balance equipment ($2,205/tank X 2.63 average tanks per site = $5,799[8]); Air quality testing of new vapor balance equipment ($600 for initial test and $150 for each additional test). Three tests are required for a new system installation, so the testing cost is $900; approximately 30 hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assessing current/planned business practices to ensure compliance (30 hours X $18/hr. = $540). This estimate is expected to be conservative (high) as it does not account for the cost of equipment that the facility would otherwise be purchasing in place of the Stage I Vapor Balance equipment.

3. **[Existing facilities Clackamas, Washington, or Multnomah County, or in the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS]** An existing GDF within these areas is already required to install a Stage I Vapor Balance system at 120,000 gallons/year throughput or tank capacity of 1,500+ gallons, which is every facility in this scenario. These systems are required to conduct two initial tests upon installation under the current and proposed rules, but the proposed rules establish one additional test ($600 for initial test and $150 for each additional test) so the cost increase is $150. It is also expected that the owner/operator will need to spend approximately 10 hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.[9]) to review the new rules, any updated or changed permit conditions, and assess current/planned business practices to ensure compliance ($18/hr. X 10 hours = $180).

4. **[Existing facility outside Clackamas, Washington, or Multnomah County, or the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS]** A GDF 3 facility in this scenario only incurs the following costs if they had previously remained below 480,000 gallons per year. A facility that had exceeded 480,000 gallons per year already required a Stage I Vapor Balance system and their fiscal impact would be most appropriately reflected in number 3 above. Under the proposed rules, these facilities are required to install a Stage I Vapor Balance system when the facility is reconstructed or when a gasoline tank is newly added, or an existing gasoline tank is replaced. Most facilities will incur this cost when a tank is added or replaced. The expected cost for a single tank replacement includes the Stage I Vapor Balance equipment ($2,205/tank X

[8] Service provider time for equipment installation is not included. A new GDF installing storage tanks on site will only be seeing an increase in cost of the specific vapor equipment that is required to be installed; a service provider or contractor will already be required to be on site for installation of equipment.
[9] Entry Level Office Assistant Salary in Oregon (Hourly) (ziprecruiter.com)

1 tank = $2,205); Three compliance tests ($600 for initial test and $150 for each additional test = $900); approximately 20 hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assessing current/planned business practices to ensure compliance (20 hrs. X $18/hr. = $360). This estimate is expected to be conservative (high) as it does not account for the cost of equipment that would otherwise be installed in place of the Stage I Vapor Balance equipment.

GDF 4 (facility with annual throughput of 600,000+ gallons per year)

The fiscal impact on a GDF 4 facility varies based on whether it is new or existing and whether it is/would be subject to the current Stage II Vapor Recovery rules under Oregon Administrative Rules chapter 340 division 242 (in Clackamas, Washington, or Multnomah County with 600,000+ gallons of annual throughput). Further, the fiscal and economic impact varies based on whether a facility has a Stage II Vapor Recovery system that is compatible or not with a motor vehicle's ORVR system. A facility in one of these three counties would have required a complete Stage II Vapor Recovery system under the current rules, the fiscal impact of the proposed rules is compared to the cost of compliance with, and equipment required by, the current rules. Additional details outlining how these cost estimates were calculated are included in the table below.

1. New facility inside these three counties is expected to see a cost savings of approximately $11,889.
2. New facility outside these three counties is expected to see an increased cost of approximately $5,923.
3. Existing facility inside these three counties with an incompatible Stage II Vapor Recovery system:
    a. Decommissioning Stage II and installing Stage I EVR is expected to see a cost of approximately $14,333.
    b. Switching the Stage II system to a type compatible with ORVR is expected to see an increase of approximately $8,757.
4. Existing facility inside these three counties with a compatible Stage II Vapor Recovery system is expected to see an increase of approximately $360 (if the owner or operator elects to maintain their current equipment) to $15,083 (if the owner or operator elects to decommission the Stage II Vapor Recovery equipment and install Stage I EVR).
5. Existing facility outside these three counties is expected to see an increase of approximately $3,671 when a gasoline storage tank is added or replaced (+$1,126 per additional tank added/replaced).

Number of affected sources:

- 463 total GDF 4 facilities
    - 154 GDF 4 sources in Clackamas, Washington, or Multnomah County with incompatible Stage II Vapor Recovery equipment;

- 166 GDF 4 sources in Clackamas, Washington, or Multnomah County with compatible Stage II Vapor Recovery equipment; and
- 143 GDF 4 sources in the rest of the State.

Expected reduction in VOC emissions from this change:

- 270 tons of VOC reduction statewide from all GDF 4 facilities.

GDF 4	
Impact on Permitted Businesses	**Impact on DEQ**
Existing: Install dual point Stage I Enhanced Vapor Recovery system on each new, replaced, or reconstructed gasoline storage tank with 250 gallon or greater capacity. Install Enhanced Conventional (ECO) nozzles on all gasoline dispensers when Stage I EVR system is required. Remove/cap Stage II Vapor Recovery systems that are incompatible with ORVR. Time spent to review rules, permits, and assess current operations, equipment and procedures.	Minor increase in administrative work. Facilities were already required to submit construction notifications, but review/approval will take additional time to review for required equipment.
New: Install dual point Stage I EVR system on all gasoline storage tanks with 250 gallon or greater capacity. Install ECO nozzles on all gasoline dispensers. Time spent to review rules, permits, and assess current/proposed operations, equipment and procedures.	Slight increase in new permit application processing time to review and approve proposed equipment
1. **[New facility in Clackamas, Washington, or Multnomah County]** These facilities would install Stage I EVR systems instead of a Stage II Vapor Recovery system ($12,375 (Stage II system) - $3,331 (Stage I EVR system) = savings of $9,044); Initial compliance testing in some cases would include one additional test @ $150 after the two required by current and proposed rules; ECO nozzles = $305 savings per nozzle/hose with 11 nozzles per facility average = $3,355	

savings; Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assessing current/planned business practices to ensure compliance (20 hrs. X $18/hr = $360).

2. **[New facility outside Clackamas, Washington, or Multnomah County, or the Portland AQMA, Medford AQMA, or Salem-Keizer SKATS]** These facilities, under current rules, had to install a complete Stage I Vapor Balance system but would now be required to install a Stage I EVR system (Stage I EVR system ($3,331) minus Stage I Vapor Balance ($2,205) = $1,126 increased cost X 2.63 tanks = $3,378); Initial compliance testing would include one additional test @ $150 from what is currently required; ECO nozzles are required compared to conventional nozzles ($185 more for ECO nozzles compared to conventional nozzles X 11 average nozzles per facility = $2,035; Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) spent to review the new rules, any updated or changed permit conditions, and assessing current/planned business practices to ensure compliance (20 hrs. X $18/hr = $360).

3. **[Existing facility inside Clackamas, Washington, or Multnomah County with an incompatible Stage II system]** These sites, with an ORVR incompatible Stage II system will be required to remove, cap or otherwise decommission the Stage II equipment and install a Stage I EVR system **OR** switch to an ORVR-compatible Stage II Vapor Recovery system.

- **Remove Stage II and Install Stage I EVR**: If a facility has all dual point storage tanks on site, they will have the option to decommission the Stage II system and install Stage I EVR and ECO nozzles. Capping the vapor lines associated with the Stage II system is expected of most facilities ($2,000); The Stage I EVR system is required on gasoline storage tanks with over a 250-gallon capacity (Stage I EVR equipment @ $3,331 X 2.63 tanks = $8,761); Stage II hanging hardware to ECO nozzles and conventional hoses is a savings per nozzle/hose of $305. Since not all hanging hardware will be at end of life, the cost estimate assumes 1/3 of hoses/nozzles are ready for replacement between rule adoption and nozzle installation ($305 saved on 3.66 nozzles and $570 spent on 7.33 nozzles = $3,062); One additional test is required @ $150; Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance (20 hours X $18/hr = $360).
- **Switch to ORVR-compatible Stage II**: If a facility has one or more single point tanks that are not feasible to have Stage I EVR systems installed, the site will most likely elect to switch the current Stage II system to one that is compatible with ORVR. These sites would maintain all current Stage I Vapor Balance equipment on site as-is (no cost/change). Installation of a different type of Stage II system would require initial testing (3 tests) but current rules require incompatible Stage II systems to conduct two tests annually. One additional test

is a $150 increase from current expected expenses. Since not all hanging hardware will be at end of life, the cost estimate assumes 1/3 of hoses/nozzles are ready for replacement between rule adoption and hose/nozzle installation ($170 savings on 3.66 nozzles and $710 spent on 7.33 nozzles; no change/cost on 3.66 hoses and $500 spent on 7.33 hoses = $4,582 spent on nozzles and $3,665 spent on hoses; $8,247). Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance (20 hours X $18/hr = $360).

4. **[Existing facility inside Clackamas, Washington, or Multnomah County with a compatible stage II system]** These facilities, under the proposed rules are allowed to continue operating their current stage II system as they have been. Operation of their existing equipment with no required equipment changes has no fiscal impact. However, it is expected that an owner/operator will need to account for twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance (20 hours X $18/hr = $360).

- If a facility has all dual point storage tanks on site, they will have the option to decommission the Stage II system and install Stage I EVR and ECO nozzles. Capping the vapor lines associated with the Stage II system is expected of most facilities ($2,000); The Stage I EVR system is required on gasoline storage tanks with over a 250-gallon capacity (Stage I EVR equipment @ $3,331 X 2.63 tanks = $8,761); Stage II hanging hardware to ECO nozzles and conventional hoses is a savings per nozzle/hose of $305. Since not all hanging hardware will be at end of life, the cost estimate assumes 1/3 of hoses/nozzles are ready for replacement between rule adoption and nozzle installation ($305 saved on 3.66 nozzles and $570 spent on 7.33 nozzles = $3,062); Three compliance tests ($600 for initial test and $150 for each additional test = $900); Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance (20 hours X $18/hr = $360)

5. **[Existing facility outside Clackamas, Washington, or Multnomah County]** A facility in this situation would have been required to have a complete Stage I Vapor Balance system. The owner or operator will be required to install a Stage I EVR system on each new or replaced gasoline tank with 250+ gallon capacity and ECO nozzles for each gasoline dispenser when an EVR-equipped tank is installed. Stage I EVR components are $3,331 – stage I components $2,205 = $1,126 increase. ECO nozzles are required compared to conventional nozzles ($185 more for ECO nozzles X 11 average nozzles per facility = $2,035. Three compliance tests will be required when the tank is installed, but the current rules would have required two of them. The cost of each subsequent test after the initial scheduled test and service provider visit cost is $150. Twenty hours of administrative or office support position time (hourly rate average for Oregon is

$18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance (20 hours X $18/hr = $360).

GDF 5 (facility with annual throughput of 1,000,000+ gallons per year)

The fiscal impact on a GDF 5 facility varies based on whether it is new or existing, and whether it is/would be subject to the current Stage II Vapor Recovery rules under Oregon Administrative Rules chapter 340 division 242 (in Clackamas, Washington, or Multnomah County with 600,000+ gallons of annual throughput). Further, the fiscal and economic impact varies based on whether a facility has a Stage II system that is compatible or not with a motor vehicle's ORVR system. A facility in one of these three counties would have required a complete Stage II Vapor Recovery system under the current rules, the fiscal impact of the proposed rules is compared to the cost of compliance with, and equipment required by, the current rules. Additional details outlining how these cost estimates were calculated are included in the table below.

1. New facility inside these three counties is expected to see a cost **savings** of approximately $11,889.
2. New facility outside these three counties is expected to see an increased cost of approximately $5,923.
3. Existing facility inside these three counties with an incompatible Stage II Vapor Recovery system:
    a. Decommissioning Stage II and installing Stage I EVR is expected to see a cost of approximately $14,333.
    b. Switching the Stage II system to a type compatible with ORVR is expected to see an increase of approximately $8,757.
4. Existing facility inside these three counties with a compatible Stage II system is expected to see a cost of approximately $360 (if the owner or operator elects to maintain their current equipment to the extent possible through 12/31/2029) and up to $15,083[10] (by 12/31/2029; this estimate is reduced by $3,331 per single point tank at the facility).
5. Existing facility outside these three counties is expected to see an increased cost of approximately $3,671 per storage tank replaced (+$1,126 per additional tank) up to $12,771[10] (if all Stage I EVR equipment and ECO nozzles are purchased/installed at the same time; this estimate is reduced by $3,331 per single point tank at the facility).

Number of affected sources:

- 546 GDF 5 facilities statewide.

[10] Based on available Underground Storage Tank program storage tank data, it is likely that 1,375 of 1,631 tanks are single point. Therefore, this cost estimate is very conservative and represents a small minority of facilities.

Expected reduction in VOC emissions from this change:

- 292 tons of VOC reduction statewide from all GDF 5 facilities.

Impact on Permitted Businesses	Impact on DEQ
Existing: Install Stage I Enhanced Vapor Recovery system on each dual point gasoline storage tank with 250 gallon or greater capacity by 12/31/2029. Install dual point Enhanced Vapor Recovery on each new or replaced gasoline storage tank with 250 gallon or greater capacity. Install ECO nozzles on all gasoline dispensers by 12/31/2029 unless in Stage II Vapor Recovery gasoline service. Remove/cap Stage II Vapor Recovery systems that are incompatible with ORVR or change to ORVR-compatible Stage II. Time spent to review rules, permits, and assess current operations, equipment and procedures.	Staff time to process additional construction notifications for these facilities.
New: Install dual point Enhanced Vapor Recovery systems on each gasoline storage tank with 250 gallon or greater capacity. Install ECO nozzles on each gasoline dispenser. Time spent to review rules, permits, and assess current/proposed operations, equipment and procedures.	Slight increase in new permit application processing time to review and approve proposed equipment
1. **[New facility inside Clackamas, Washington, or Multnomah County]** These facilities would install Stage I EVR systems instead of a Stage II Vapor Recovery system ($12,375 (Stage II system) - $3,331 (Stage I EVR system) = savings of $9,044); Initial compliance testing in some cases would include one additional test @ $150 after the two required by current rules; ECO nozzles = $305 savings per nozzle/hose with 11 nozzles per facility average = $3,355 savings; Twenty hours of administrative or office support position time (hourly rate average for Oregon is	

$18/hr.) to review the new rules, any updated or changed permit conditions, and assessing current or planned business practices to ensure compliance ($360).

2. **[New facility outside Clackamas, Washington, or Multnomah County]** These facilities, under current rules, had to install a complete Stage I Vapor Balance system but would now be required to install a Stage I EVR system (Stage I EVR ($3,331) minus Stage I Vapor Balance ($2,205) = $1,126 increased cost X 2.63 tanks = $3,378); Initial compliance testing would include one additional test @ $150 from what is currently required; ECO nozzles are required compared to conventional nozzles ($185 more for ECO nozzles X 11 average nozzles per facility = $2,035; Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assessing current/planned business practices to ensure compliance ($360).

3. **[Existing facility inside Clackamas, Washington, or Multnomah County with an incompatible Stage II system]** These sites, with an ORVR incompatible Stage II system will be required to remove, cap or otherwise decommission the Stage II equipment and install a Stage I EVR system or switch to an ORVR-compatible Stage II Vapor Recovery system.

- **Remove Stage II and Install Stage I EVR**: If a facility has all dual point storage tanks on site, they will have the option to decommission the Stage II system and install a Stage I EVR system and ECO nozzles. Capping the vapor lines associated with the Stage II system is expected of most facilities ($2,000); The Stage I EVR system is required on gasoline storage tanks with over a 250-gallon capacity (Stage I EVR equipment @ $3,331 X 2.63 tanks = $8,761); Stage II hanging hardware to ECO nozzles and conventional hoses is a savings per nozzle/hose of $305. Since not all hanging hardware will be at end of life, the cost estimate assumes 1/3 of hoses/nozzles are ready for replacement between rule adoption and nozzle installation ($305 saved on 3.66 nozzles and $570 spent on 7.33 nozzles = $3,062); One additional test is required @ $150; Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance (20 hours X $18/hr. = $360).
- **Switch to ORVR-compatible Stage II**: If a facility has one or more single point tanks that are not feasible to have Stage I EVR systems installed, the site will most likely elect to switch the current Stage II system to one that is compatible with ORVR. These sites would maintain all current Stage I Vapor Balance equipment on site as-is (no cost/change). Installation of a different type of Stage II system would require initial testing (3 tests) but current rules require incompatible Stage II systems to conduct two tests annually. One additional test is a $150 increase from current expected expenses. Since not all hanging hardware will be at end of life, the cost estimate assumes 1/3 of hoses/nozzles are ready for replacement between rule adoption and hose/nozzle installation ($170 savings on 3.66 nozzles and $710 spent on 7.33 nozzles; no change/cost on 3.66 hoses and $500 spent on 7.33 hoses = $4,582 spent on nozzles and $3,665 spent on hoses; $8,247). Twenty hours of

administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance (20 hours X $18/hr. = $360).

4. **[Existing facility inside Clackamas, Washington, or Multnomah County with a compatible Stage II system]** The owner or operator of this facility will have the option to retain their existing Stage II Vapor Recovery and Stage I Vapor Balance equipment until 12/31/2029, at which point all dual point tanks will need to install a Stage I EVR system. Some facilities may elect to cap, remove, or otherwise decommission the Stage II Vapor Recovery equipment sooner, at which point the Stage I EVR equipment would be required. A new or replaced gasoline storage tank will also be required to install Stage I EVR equipment. When this cost is incurred is therefore somewhat at the discretion of the owner or operator but no later than 12/31/2029 for dual point tanks. Single point tanks are not required to convert to dual point or be replaced with a dual point tank; these tanks are required to operate the currently required Stage I Vapor Balance systems until the tank is replaced. Cost estimates include as assumption that most facilities will elect to operate their existing equipment to the extent possible which includes twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance ($360).

- For a facility that is electing to decommission their compatible stage II system or doing so leading up to the proposed 12/31/2029 deadline, the expected costs include $2,000 for capping of the Stage II system vapor lines; Stage I EVR system @ $3,331 X 2.63 tanks = $8,761; Stage II hanging hardware to ECO nozzles/hoses is a savings per nozzle of $305. Since not all hanging hardware will be at end of life, the cost estimate will assume 1/3 of nozzles are ready for replacement between rule adoption and nozzle installation ($305 saved on 3.66 nozzles/hoses and $570 spent on 7.33 nozzles/hoses = $3,062); Three compliance tests ($600 for initial test and $150 for each additional test = $900); Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance ($360).

5. **[Existing facility outside Clackamas, Washington, or Multnomah County]** A facility in this situation would have been required to have a complete Stage I Vapor Balance system. The owner or operator will be required to install a Stage I EVR system on each new or replaced gasoline tank with 250+ gallon capacity and ECO nozzles for each gasoline dispenser when the new tank is installed; the owner or operator will be required to have a complete Stage I EVR system on each dual point tank and ECO nozzles by no later than 12/31/2029. Single point tanks are not required to convert to dual point or be replaced with a dual point tank; these tanks are required to operate the currently required Stage I Vapor Balance systems until the tank is replaced.

- For a facility that installs a new or replaced tank: Stage I EVR components are $3,331 minus Stage I Vapor Balance components $2,205 = $1,126 increase in cost. ECO nozzles are required compared to conventional nozzles ($185 more for ECO nozzles X 11 average nozzles per facility = $2,035). Three compliance tests will be required when the tank is installed, but the current rules would have required two of them. The cost of each subsequent test after the initial scheduled test and service provider visit cost is $150. Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance ($360).
- For a facility that keeps all equipment as-is until required to install Stage I EVR and ECO nozzles by 12/31/2029, the cost estimate includes purchase and installation of Stage I EVR equipment ($3,331 X 2.63 tanks = $8,761); ECO nozzles @ $250 each X 11 nozzles = $2,750; Three compliance tests required ($600 for initial and $150 for each subsequent) is $900; Twenty hours of administrative or office support position time (hourly rate average for Oregon is $18/hr.) to review the new rules, any updated or changed permit conditions, and assess current business practices to ensure compliance ($360).

Statement of Cost of Compliance

State agencies

The impact to state agencies is the same as the impact to local governments, large businesses and small businesses described below as the applicable thresholds for installing equipment based on annual gasoline throughput and currently installed equipment. The proposed rules specify throughput thresholds at which a facility needs to install vapor controls at the GDF irrespective of the ownership type.

DEQ expects an impact of agency staff time to review, learn, and implement these propose changes as well as a slight increase in staff time to review, process and approve new permit applications and construction notifications.

Local governments

The impact to local governments is expected to be the same as the impact to state agencies as described above as well as large and small businesses described below.

Public

The impact to the public is an overall reduction in emissions from gasoline dispensing facilities across the state, resulting in a reduced social and health cost of exposure to gasoline vapors. In some instances, an owner or operator of a GDF may pass on the cost of compliance (purchasing and installing equipment) to the consumer by increasing the cost per gallon of gasoline, but DEQ has no information by which to confirm whether this will happen or how much the increase would be.

Large businesses - businesses with more than 50 employees

Many large businesses are owners or operators of the GDF 5 facilities with over 1,000,000 gallons of annual gasoline throughput. These facilities are subject to the requirement to purchase and install specific vapor equipment by no later than Dec. 31, 2029 on dual-point gasoline storage tanks. Other large businesses may be owners or operators of a GDF 4 facility which has variable requirements based on the facility's location and currently installed equipment.

Small businesses – businesses with 50 or fewer employees

The impact to small businesses is expected to be the same as the impacts described above. The impact was reduced by the Rules Advisory Committee's suggestion to establish the Stage I Enhanced Vapor Recovery threshold for installation for all facilities at the 1,000,000 gallons per year throughput. Based on available information to DEQ, this threshold level reduces the impact to small businesses as only ~26% of these facilities are owned or operated by a small business (~150 facilities).

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

Approximately 1,169 facilities are permitted by DEQ's General Air Contaminant Discharge Permit (ACDP) for gasoline dispensing activities. The average gas station in the United States employs 8.4 staff. This means that if an owner/operator or entity has 6 stations or more, they most likely are not a small business (8.4 employees X 6 stations = 50.4 employees).

Based on a review of the legal entity names of permitted facilities and information available to DEQ, it is believed that approximately 386 of these General ACDP permitted facilities are owned or operated by small businesses.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

Depending on the classification of the GDF (based on throughput), the owner or operator may need to spend time to review the rules or an updated/revised permit. The cost impacts for each type of GDF accounts for this time.

In some instances, a facility will need to utilize a contractor to purchase and/or install specific types of equipment. When equipment changes are required by the proposed rules, the cost estimates include the expected expense for contracting a service provider to conduct work. The administrative cost of compliance associated with the proposed rules is accounted for in each scenario; most recordkeeping, reporting, and other administrative activities remain substantially similar to the existing requirements.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The costs of equipment and labor are not unique to small business owners under the

proposed rules. However, the costs of these items are accounted for in the cost estimates.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ included a small businessowner/operator of several GDFs on the Rules Advisory Committee who is also a member of the Oregon Fuels Association. While this RAC member had to excuse themselves from the third RAC meeting and the Fiscal Advisory Committee meeting, another representative of the Oregon Fuels Association was able to attend in their stead.

Per their website, the Oregon Fuels Association is "the voice of Oregon's locally-owned fuel stations, fuel distributors and heating oil providers."

Documents relied on for fiscal and economic impact

The requirement to list the documents relied on to determine fiscal impact is separate from and in addition to the similar list in the Rules affected, authorities, supporting documents section above.

Document title	Document location
'Fiscal_Equipment_Costs_PN.xlsx' Compilation of cost estimates from various sources.	DEQ 700 NE Multnomah St. STE 600 Portland OR 97232

Advisory committee fiscal review

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement and documented its recommendations in the 'GDF Emissions Rulemaking FAC Review_PN' document Oct. 26, 2023.

The committee determined that the rules would have a fiscal impact. The committee generally agreed, based on information known to them at the time of the meeting, with

DEQ's cost estimates included in the Fiscal Impact Statement and agreed that changes made to the draft rules during the Rules Advisory Committee meetings has reduced the fiscal impact to an acceptable level. Though the committee agreed that there will be a fiscal

impact, with some sources experiencing a significant impact, the committee determined the proposed rules would not have a significant adverse impact on small businesses in Oregon.

The committee recommended two additional options to reduce the fiscal impact to small businesses.

1. Establish a low-cost loan product or service to assist small business owners with the cost of equipment required by the proposed rules.
2. Establish a tax incentive program to reduce the taxable income of small business owners who make equipment changes which reduces facility emissions.

While these options could reduce the fiscal impact to small businesses, both options require approval and authorization by the legislature and are not within DEQ's current authority. For option one, DEQ would require legislative approval to obtain authority to implement a loan program and authorization for funding of the program. For option two, tax incentives are specifically and solely controlled by the legislature. Thus, DEQ could not receive legislative authority to implement a tax incentive associated with facility equipment changes, but the legislature could decide to introduce legislation to accomplish this recommendation.

While the committee determined the rules would not have a significant adverse impact on small businesses in Oregon, the committee agreed that the proposed rules have reduced the rules' fiscal impact on small businesses in alignment with ORS 183.333 and 183.540 by:

- Establishing differing compliance or timetables for facilities that are likely to be small business;
- Consolidating and simplifying the compliance and reporting requirements under the rules;
- Utilizing objective criteria for standards;
- Otherwise establishing less intrusive or less costly alternatives applicable to small business.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules could affect development costs. If gasoline dispensing facility owners or operators subject to the proposed rules increased the cost of gasoline in response to the requirements, contractors and other individuals involved in developing the property may pass their increased cost along to the end-user or purchaser of the property. DEQ does not have information to estimate how much, if any, the increase in cost would be.

Racial Equity

ORS 183.335(2)(a)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state.

The proposed rule amendments incorporate additional control technologies and technical clarifications for regulated companies while continuing to support the programs' overall implementation and objectives. Proposed rule amendments include the requirement to install gasoline vapor control technology and equipment at almost all newly constructed gasoline dispensing facilities, requiring additional or improved vapor control technology at existing facilities when storage tanks are added or replaced, and requiring these technologies at relatively large (high throughput) facilities.

These proposed amendments are expected to have a positive impact on racial equity. This is supported by the fact that:

- The proposed rules establish additional or increased vapor control requirements resulting in reduced overall emissions (Volatile Organic Compounds and Hazardous Air Pollutants) from gasoline dispensing facility activities and operations;
- The proposed rules establish a decreased social cost as gasoline vapor exposure to nearby residents and workers is reduced (increased worker and public health);
- Black, Indigenous, and People of Color owned GDFs (and all GDFs) will experience a reduction in the loss of product by evaporation;
- A reduction in VOC emissions equates to a reduction in the overall formation of ozone, a reduction in overall smog and helps reduce the harmful effects of climate change; and
- A disproportionate number of low income and minority populations live in closer proximity to gasoline dispensing facility operations, resulting in an historical disproportionate impact to BIPOC and low-income Oregonians.

Adoption of the proposed rules would affect air permits and facilities statewide - across various sectors, public and private. Since the rule changes will apply equally across all permit categories and tiers, and there are no expected changes to practical implementation of the permitting program activities because of the rule adoption and there is no expected negative impact on racial equity in the state. Adopting the rules, as proposed, will help to protect public health and the environment (via compliance with the rules, inspections and enforcement) which may be particularly important in BIPOC or historically underserved communities.

Environmental Justice Considerations

As stated above, the air permitting programs are designed to regulate and reduce emissions from sources in Oregon and enhance public welfare for Oregon communities, particularly environmental justice communities.

The proposed rules:

- Establish additional control requirements at previously uncontrolled gasoline dispensing facilities;
- Establish additional control requirements at 'high throughput' facilities across the state;
- Establish a required change in vapor controls at facilities in the Portland area that are expected to result in a net increase in VOC and HAP emissions by the end of 2024; and
- Clarify and update the testing, work practices, recordkeeping and reporting obligations of affected sources.

Environmental justice communities are communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth, and persons with disabilities.

These proposed rule amendments will support implementation of DEQ's environmental justice goals by reducing emissions from gasoline dispensing facility operations statewide, which includes in environmental justice communities.

The following table shows the vulnerable population score (one through five) for each county in the state. The data within the table shows the number of GDFs in those counties that are located in an area with a vulnerable population. For purposes of this table, vulnerable population is an aggregate of various factors, including but not limited to diesel particulate matter pollution levels, traffic volume and proximity, and low income levels. Broadly speaking, vulnerable population scores can be described as a way to rate the vulnerability of a specific area in regards to populations that may or do experience a higher degree of, or inequitable, environmental burden and related health consequences.

For example, based on available data there are eight GDFs in Baker County that are at a location rated at 3 on the vulnerable population score, two facilities rated at 2, and one facility rated at 1. A score of 5 indicates the most vulnerable population.

County	Vulnerable Population Score*					
	1	2	3	4	5	Total Facilities Per County
BAKER	1	2	8	---	---	11
BENTON	1	2	6	9	---	18
CLACKAMAS	9	24	35	42	4	114
CLATSOP	---	7	5	9	---	21

COLUMBIA	1	3	12	3	---	19
COOS	1	5	13	9	---	28
CROOK	1	2	7	---	---	10
CURRY	---	2	8	---	---	10
DESCHUTES	1	20	18	25	---	64
DOUGLAS	---	16	22	20	---	58
GILLIAM	---	3	---	---	---	3
GRANT	---	4	2	---	---	6
HARNEY	---	2	6	---	---	8
HOOD RIVER	2	5	6	5	---	18
JACKSON	2	16	26	18	8	70
JEFFERSON	1	4	6	---	---	11
JOSEPHINE	---	8	13	12	---	33
KLAMATH	2	16	13	8	---	39
LAKE	---	3	3	---	---	6
LINCOLN	1	5	18	2	---	26
LINN	---	13	10	20	7	50
MALHEUR	---	4	9	3	---	16
MARION	---	10	25	24	34	93
MORROW	1	2	4	---	---	7
MULTNOMAH	---	5	42	79	63	189
POLK	---	5	7	5	---	17
SHERMAN	---	6	---	---	---	6
TILLAMOOK	1	2	10	---	---	13
UMATILLA	---	9	12	14	---	35
UNION	3	4	7	---	---	14
WALLOWA	---	7	1	---	---	8
WASCO	---	4	3	6	---	13
WASHINGTON	3	15	28	46	19	111
YAMHILL	1	7	9	10	---	27
Total Facilities Per Score	**32**	**242**	**394**	**369**	**135**	**1172**
*Vulnerable Population Score: 5 is the most vulnerable score.						

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans.

DEQ evaluated whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

Affected facilities, under the proposed rules, may be subject to the Notice of Construction or Air Contaminant Discharge Permit requirements that are addressed by the State Agency Coordination Program. These sources, however, would continue demonstrating compliance with statewide land-use planning goals by submitting a land use compatibility statement when applicable.

EQC Prior Involvement

DEQ did not present additional information specific to this proposed rule revision.

Advisory Committee

Background

DEQ convened the Gasoline Dispensing Facility Emissions advisory committee. The committee included representatives from industry, public health, and non-governmental advocacy organizations and met four times. The committee's web page is located at: Gasoline Dispensing Facility Emissions.

The committee members were:

Rulemaking Name Advisory Committee	
Name	**Representing**
Jason Cole (Ed Staub and Sons Petroleum; stepped down) Brent Leathers (Leathers Enterprises Inc; stepped down) Bascomb Grecian (Ed Staub and Sons Petroleum)	Oregon Fuels Association
David Painter	Barghausen Consulting Engineers, Inc.
Shawn Carter-Elton	Safeway, NW Grocers Association
Lisa Arkin	Beyond Toxics
John Wasiutynski	Multnomah County Office of Sustainability

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
  - Rulemaking
  - Air Quality Permits
  - DEQ Public Notices
  - New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants
  - Air Quality Maintenance Plans
- Added advisory committee announcements to DEQ's calendar of public meetings at DEQ Calendar.

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee discussed the following concepts:

- The committee agreed that the rules will have a fiscal impact.
- Comments on the fiscal impact included:
    - The overall fiscal impact is lower than was expected.
    - The fiscal impact appears to be relatively minimal.
    - The most fiscal impact will come from a GDF that is increasing in size [throughput] located outside the AQMAs and that crosses an applicable threshold.
- The committee agreed that the fiscal impact would not have a significant adverse impact on small businesses.
- Suggested ways DEQ can comply with ORS 183.540 to reduce the impact:
    - Establish a program that provides financial assistance or low-cost loans for equipment and/or tank replacement.
    - Scaling of applicable requirements based on throughput seems to comply with the reduction of impact on small businesses.
    - Establish a tax incentive for small business owners who install vapor equipment or replace a tank. Business and operations taxes are a challenge for small businesses.
- Some FAC members intend to contact service providers and contractors who work with affected facilities to obtain additional cost estimate materials.
- ORS 183.333 reducing impact on small businesses:
    - It appears the draft rules, throughout their development, has accounted for impacts to small businesses effectively.
    - Consider less frequent compliance inspections. Alternatively, consider less frequent source-conducted inspections of their equipment.
- It would be helpful to view emissions reduction in the context of dollars spent or public health benefit per dollar spent.

Public Engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Jan. 30, 2024 filing notice with the Oregon Secretary of State for publication in the February 2024 Oregon Bulletin;
- Notifying the EPA by email;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: https://www.oregon.gov/deq/rulemaking/Pages/GDF2022.aspx;
- Emailing approximately 24,349 interested parties on the following DEQ lists through GovDelivery:
    - Rulemaking
    - Air Quality Permits
    - DEQ Public Notices
    - New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants
    - Air Quality Maintenance Plans
- Emailing the following key legislators required under ORS 183.335:
    - President of the Senate: Rob Wagner, Sen.RobWagner@oregonlegislature.gov
    - Speaker of the House: Dan Rayfield, Rep.DanRayfield@oregonlegislature.gov
    - Chair of Senate Energy and Environment: Senator Janeen Sollman, Sen.JaneenSollman@oregonlegislature.gov
    - Chair of House Climate, Energy and Environment: Representative Pam Marsh, Rep.PamMarsh@oregonlegislature.gov
- Emailing advisory committee members,
- Posting on the DEQ event calendar: DEQ Calendar

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. DEQ will accept comments by email, postal mail or verbally at the public hearing.

- **Email:** Send comments by email to: Gdf.2022@deq.oregon.gov
- Postal mail: Oregon DEQ, Attn: Dan DeFehr, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At public hearing: 5:30 p.m., Thursday, Feb. 15, 2024 (see below)

Comment deadline

DEQ will consider comments on the proposed rules that DEQ receives by: 4 p.m., on Feb. 21, 2024.

Public Hearings

A public hearing for this rulemaking was originally held on Jan. 3, 2024 as provided in the Nov. 30, 2023 public notice. DEQ plans to hold another public hearing that anyone may attend virtually via Zoom or by phone.

Date: Feb. 15, 2024
Start time: 5:30 p.m.

Join via Zoom

Meeting ID: 867 3058 1089

One tap mobile
+17193594580,,86730581089# US
+12532050468,,86730581089# US

Note for public university students

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Accessibility Information

Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية
Contact: 800-452-4011 | TTY: 711 | deqinfo@deq.state.or.us

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's Civil Rights and Environmental Justice page.

State Implementation Plan Revision

Revised Emission Standards and Controls for Gasoline Dispensing Facilities

Executive Summary

This section of the public notice document outlines a State Implementation Plan (SIP) revision for the State of Oregon, proposed by the Oregon Department of Environmental Quality (DEQ) and planned to be submitted to the United States Environmental Protection Agency (EPA) after the proposed rules are adopted by the Environmental Quality Commission. This SIP revision relates to changes to Oregon Administrative Rules (OAR) governing requirements for Gasoline Dispensing Facilities (GDFs).

The updated OAR pertaining to GDFs no longer require Stage II vapor recovery in the tri-county area of the Portland metro region that was previously mandated. This action of removing Stage II vapor recovery will result in emissions reductions from GDFs in Oregon, and particularly the tri-county area, because Stage II systems counteract the Onboard Refueling Vapor Recovery (ORVR) systems that are ubiquitous in Oregon's onroad fleet.

Furthermore, the revised OAR in this SIP revision promotes more widespread adoption of equipment such as Stage I Enhanced Vapor Recovery (EVR) and enhanced conventional (ECO) nozzles when GDFs are newly installed or underground storage tanks are replaced, which will produce additional emissions reductions. Taken together, these strategies will result in net emissions reductions and not result in backsliding in terms of Oregon's goals around ozone-forming Volatile Organic Compounds (VOCs).

An impact analysis conducted by DEQ shows the updated rules will reduce emissions and confer benefits statewide across Oregon, and in the tri-county Portland metro area.

A public hearing on the topic will be held on January 3, 2024.

With this SIP revision, DEQ is requesting EPA approve the update to rules found under Oregon Administrative Rules chapter 340 division 244. The actions required of GDFs in the rules in this SIP revision are designed to enhance existing federal protections under the Clean Air Act (CAA), and result in air quality benefits across the state of Oregon.

Background

The CAA requires that the EPA set threshold limits for common air pollutants that affect environmental and public health. Six pollutants regulated by the EPA are referred to as criteria pollutants: particulate matter (PM), ground-level ozone (O3), carbon monoxide (CO), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead. The limits set by EPA are referred to as National Ambient Air Quality Standards (NAAQS). States are required to ensure that average pollutant concentrations in the lower atmosphere stay under the NAAQS thresholds.

State Implementation Plans and revisions to SIPs outline a set of strategies and regulations that help the state attain or maintain the NAAQS. Approval by EPA of a SIP revision

codifies which portions of state regulations are federally enforceable or can be subject to citizen suit. This SIP revision details how several strategies by which Oregon complies with EPA requirements under the CAA will be altered by the changes in OAR, and result in a public health benefit by reducing emissions of VOCs.

After the first NAAQS were set upon enactment of the federal Clean Air Act, the Portland-Vancouver metro area was designated non-attainment for ozone, meaning average ozone concentrations exceeded the designated thresholds set by the EPA. Within the non-attainment category, the Portland-Vancouver Air Quality Maintenance Area (AQMA) was assigned "marginal" non-attainment status, a designation used to indicate it would likely take several years to bring ground-level ozone concentrations to below to NAAQS.

In 1996, Oregon DEQ submitted a maintenance plan to EPA, demonstrating that ozone concentrations improved since the non-attainment designation, and were now within the designated NAAQS thresholds. The 1996 maintenance plan also outlined strategies that the State of Oregon would pursue to ensure that the ozone standard would continue to be met. One of the strategies that was outlined in the 1996 maintenance plan included Oregon Administrative Rules that required GDFs in the Portland-Vancouver AQMA to have Stage II vapor recovery systems to reduce emissions of VOCs. In 1997, EPA redesignated the Portland-Vancouver AQMA to attainment, approving the control strategies that Oregon DEQ outlined in the 1996 maintenance plan.

In 2007, Oregon DEQ submitted another maintenance plan to EPA. In this plan, DEQ outlined that Stage II vapor recovery system requirements for the Port-Vancouver AQMA would remain in effect until motor vehicle fleets in Oregon reflected widespread use of ORVR. The vast majority of Oregon's fleet now has ORVR technology – an estimated 93% of Oregon's fleet will have ORVR in 2024, increasing to 97% by 2029. The rules Oregon DEQ is proposing would address the need by requiring facilities with Stage II vapor recovery systems that are incompatible with ORVR to change to another type of emission control.

As the percentage of the fleet in Oregon with ORVR increases in Oregon, Stage II vapor recovery systems that are not compatible with ORVR become obsolete and no longer provide emissions reductions. Estimates of ORVR fleet penetration suggest that in 2025, 96% of Oregon's fleet will have ORVR, and 99% penetration by 2030. If Stage II vapor recovery systems that are not compatible with ORVR remain in place, this would result in increased emissions from GDFs.

Stage II vapor recovery systems are comprised of specific types of hoses and nozzles which capture emissions generated by the dispensing of fuel into motor vehicles and return the vapor emissions back to the facility's gasoline storage tank. However, the Stage II vapor recovery technology has become increasingly obsolete over time, no longer conferring the emissions reductions benefits for VOCs that these systems once did; this is because passenger vehicles manufactured on or after 2000 are equipped with ORVR systems.

The ORVR systems also capture the gasoline vapor emissions during the motor vehicle refueling process. One type of Stage II vapor recovery system conflicts with the operation of these ORVR systems. In these instances, both ORVR and Stage II systems try to capture the vapor at the same time, which results in more vapors release compared with either technology on its own.

To address the fact that Stage II technology was no longer providing emissions reductions benefits that were originally intended, in 2012, EPA removed the requirement that certain current and former ozone nonattainment areas implement Stage II vapor recovery at GDFs as an ozone control strategy.

Scope of SIP Revision

Oregon DEQ is submitting one SIP revision package to EPA associated with the proposed changes to vapor recovery requirements. This SIP revision applies to areas where the State of Oregon has jurisdiction and excludes areas with tribal jurisdiction.

This SIP revision emphasizes how one key strategy outlined in Oregon's 1996 SIP, and later the 2007 SIP for ozone maintenance will be affected by the new rule requirements for GDFs.

Purpose of SIP Revision

Oregon DEQ is requesting EPA approve the removal of Stage II requirements as a control strategy for ozone in Oregon and approve updated vapor recovery requirements to Oregon's rules.

The proposed rules phase out Stage II vapor recovery, and phase in more effective vapor controls. Oregon DEQ conducted an impact analysis, included below, that shows the rule change will reduce VOC emissions and confer benefits statewide in Oregon. Oregon DEQ's impact analysis also demonstrates that the rule change will not interfere with attainment goals, reasonable further progress, or any other applicable requirement under the CAA.

SIP Revision Documents

This SIP revision outlines which provisions of OAR will be revised if the proposed rulemaking is approved. Strategies in Oregon's SIP not outlined below will not be changed. The SIP revision package submitted to EPA will satisfy the applicable federal requirements, but will include the following as appendices:

- A table of changes to Oregon Administrative Rules (rule citations; this table can be found in the 'Rules affected…' section of this notice on page X);
- The previous Oregon Administrative Rules applicable to GDFs (current OAR chapter 340 divisions 242 and 244; copies of these applicable rules are included in this notice in the 'Draft Rules – Edits Highlighted' section beginning on page X);
- The final adopted version of Oregon Administrative Rules that were changed (Division 244 rules with edits included are included in this notice in the 'Draft Rules – Edits Included' section beginning on page X);

- The impact analysis which demonstrates the rules will not interfere with requirements of the CAA (included within this notice below); and
- EPA's Aug. 7, 2012 memorandum titled "Guidance on Removing Stage II Gasoline Refueling Vapor Recovery Programs from State Implementation Plans."

Impact Analysis, Calculations and Conclusion

Proposal by Oregon DEQ for SIP Update Related to the State Maintenance Plan for Ozone

Background

Oregon DEQ's 1996 maintenance plan for ozone included strategies listed in Oregon Administrative Rules (OAR) 340-022-0400 through 340-022-0403; these requirements have since been integrated into OAR 340-242-0520 "Gasoline Vapors from Gasoline Transfer and Dispensing Operations: General Provisions."

> *"No owner and/or operator of a gasoline-dispensing facility may transfer or allow the transfer of gasoline into a motor vehicle fuel tank at gasoline-dispensing facilities located in Clackamas, Multnomah or Washington Counties whose annual throughput exceeds 600,000 gallons, unless the gasoline-dispensing facility is equipped with a stage II vapor collection system which must be approved by DEQ before it is installed".*

The updates to OAR differ in several important ways from previous rules. The proposed rules no longer require Stage II vapor recovery, regardless of GDF throughput, across the State of Oregon. This impacts the tri-county area (Clackamas, Multnomah and Washington counties), where GDFs with throughput of ≥ 600,000 gallons per year (gpy) were previously required to have Stage II vapor recovery systems.

Oregon DEQ is proposing four rule scenarios to maintain emission levels within the tri-county area and throughout the state. The goal is to continue emissions control even after removing Stage II systems incompatible with ORVR by requiring the installation of alternative control systems such as Stage I Enhanced Vapor Recovery (EVR), Stage I Vapor Balance Systems, Stage II ORVR-compatible systems and Enhanced Conventional (ECO) nozzles. The removal of incompatible Stage II systems and new installations need to be accomplished by Dec. 31, 2024.

Under the proposed rules, larger facilities statewide with one million gallons per year or more of throughput need to install Stage I EVR and ECO nozzles by Dec. 31, 2029; facilities with a single point gasoline storage tank are allowed to continue operating their existing Stage I vapor balance system until the tank is replaced. Facilities that install new tanks are required to install Stage I EVR and ECO nozzles. The type of control equipment required is dependent upon an annual throughput threshold.

The four specific scenarios included in the proposed updates to OAR are detailed below. The emissions reductions for VOCs associated with each of these scenarios are also included in Tables 4-6.

1. In the tri-county area, by 2025 (Table 4), GDFs must either:
   a. replace Stage II ORVR-incompatible equipment with Stage I EVR and ECO nozzles, or
   b. replace Stage II ORVR-incompatible equipment with Stage II compatible equipment.

DEQ estimates that actions required in scenarios 1a and 1b collectively will result in emissions reduction of ~ 282 tons VOCs/year in the tri-county area.

2. In the tri-county area, GDFs must install Stage I EVR and ECO nozzles when Stage II compatible equipment is removed (Table 5). DEQ estimates that actions required in scenario 2 will result in emissions reduction of ~ 147 tons VOCs/year in the tri-county area.

Since DEQ will not know when the emissions reductions associated with replacing existing tanks will exactly occur, the emissions reductions presented in Table 5 (associated with scenario 2) were estimated as if the actions were taken by 2030 for the purpose of estimating emission reduction benefits. However, these reductions will take place over an undetermined period, dependent on how long older model underground storage tanks at GDFs in Oregon will last before needing replacement.

3. Statewide, GDFs with ≥ 1,000,000 gpy in throughput must have Stage I EVR and ECO nozzles by 2030 (Table 6) on all dual point gasoline storage tanks. This part of DEQ's proposed rules require that any Stage II equipment be decommissioned by the 2030 deadline since a Stage II vapor recovery system would not be compatible with the required ECO nozzles. DEQ estimates that this proposed change would result in emissions reduction of ~ 376 tons VOCs/year across the State.

4. Statewide, GDFs with ≥ 600,000 gpy in throughput must install Stage I EVR and ECO nozzles for any new or replaced tanks (Table 6, scenario 4a). GDFs with > 120,000 gpy but < 600,000 gpy in throughput must install Stage I vapor balance systems on any new or replaced tanks (Table 6 scenario 4b). DEQ estimates that collectively, scenarios 4a and 4b would result in emissions reduction of ~ 39 tons VOCs/year across the State.

Calculating Methodology

Oregon DEQ calculated the impact of removing Stage II vapor requirements consistent with EPA's Aug. 7, 2012, guidance labeled "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures."

It was determined that by 2025 vacuum assisted recovery systems will no longer provide controlled emission benefits and would lead to increased VOC emissions overall. This is because the increasing number of newer vehicles that are equipped with ORVR systems now

interfere with the efficiency of vacuum assisted recovery systems. This is based on the number of newer vehicles with ORVR exceeding the number of older vehicles being driven within the state by that year.

Calculating Emission Factor Differences and Calculation Details

Oregon DEQ calculated the emissions impact of removing and installing new equipment by estimating the difference in emissions factor between the old and the new equipment and multiplied the difference by 2019 annual throughputs. Data from 2019 was used for these calculations because 2019 was the most recent annual throughput data for estimating emissions with reliable data (data from 2020 was not representative due to the global COVID-19 pandemic and the impacts of the pandemic on activities that contribute to emissions). Tables 1 and 2 below show the emission differences for each rule scenario as used to calculate the rule impact.

Table 1. Emission Factor (EF) differences used in the calculations for impact of the rule change scenarios on the tri-county area.

Rule Change Scenarios	New EF Combination	Scenario YR	Nbr of Facilities	Existing Stage I EF	New Stage I EF	EF difference	Existing Stage II EF or Nozzles	New Stage II EF or Nozzles	EF difference
1a	Stage II Incompatible to Stage I EVR/ECO nozzles	2025	154	0.472	0.242	-0.23	0.61	0.24	-0.37
1b	Stage II Incompatible to Compatible	2025	154	0.472	0.472	0.00	1.62	0.670	-0.95
2	Stage II Compatible to Stage I EVR/ECO nozzles	2025	183	0.472	0.242	-0.23	0.42	0.24	-0.18

Table 2. Emission Factor (EF) differences used in the calculations for impact of the rule change scenarios statewide.

Rule Change Scenarios	New EF Combination	Scenario YR	Nbr of Facilities	Existing Stage I EF	New Stage I EF	EF difference	Traditional nozzles EF	ECO nozzles EF	EF difference
3	GDF > = 1mgpy to Stage I EVR/ECO nozzles	2030	547	0.472	0.242	-0.23	0.61	0.24	-0.37
4a	New or Replace Tanks > = 600,000 to Stage I EVR/ECO nozzles	2030	157	0.472	0.242	-0.23	0.61	0.24	-0.37
4b	New or Replace Tanks > = 120,000 to Stage I Vapor Balance System	2030	59	8.46	0.470	-7.99	---	---	---

Calculation Details

Oregon DEQ mostly used the default values presented in "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures" EPA-457/B-12-001 (Aug. 7, 2012) except for identifying QSII and QSIIva. For QSII and QSIIva, Oregon DEQ inventories the gasoline throughput annually for each dispensing facility and tracks what type of vapor recovery system (if any) is in use as well. Non-ORVR and ORVR throughput is distributed to each facility using the ORVR fleet penetration as a surrogate. (See ORVR Fleet Penetration below for further explanation.) This value is derived for these calculations from year-end 2019 data and is assumed to be representative for future years without a rule change. Table 3 below provides the other data components used to estimate the removal year and impacts to removing Stage II incompatible systems.

Table 3. EPA/DEQ data components used for emissions impact calculations.

Data Components	Qty	Comments
ηiuSII	62.0%	Stage II VRS in-use control efficiency
$QSII_{Clackamas}$	91.6%	Fraction of highway gasoline throughput covered by Stage II VRS per county
$QSII_{Multnomah}$	89.1%	
$QSII_{Washington}$	90.5%	
$QSIIva_{Clackamas}$	50.1%	Fraction of highway gasoline throughput dispensed through vacuum-assist type Stage II VRS (only ORVR-incompatible Stage II) per county
$QSIIva_{Multnomah}$	47.2%	
$QSIIva_{Washington}$	47.2%	
EE_i	*	Excess vent emissions = EEi = (0.591
Q_{ORVRi}	*	Fraction of annual gallons of highway motor gasoline dispensed to ORVR-equipped vehicles based on Oregon having older vehicles. Used Table 1 2016-2026 EPA defaults more in line with Oregon ORVR fleet penetration and gasoline consumption
ηORVR	98.0%	In-use control effiicency for ORVR
$increment_i$	*	Overall Stage II-ORVR incrementi = (QSII)(1-QORVRi)(ηiuSII) - (QSIIva)(CFj)
$delta_i$	*	(comparison between Stage II efficiency only and the ORVR efficency only) = deltai =
Conversion Factors	453.9 grams/lb	None
	1 ton/ 2000 lbs	
CF_i constant Q_{ORVRi}	0.0777	Compatibility Factor for Q_{ORVR} value (CFi = (0.0777)(Q_{ORVRi})

*Note: * indicates these values are included in the equation to estimate emissions impact in tables 4 and 5.*

Calculation of ORVR Fleet Penetration

ORVR controls fugitive emissions at the pump in addition to Vapor Recovery Systems (VRS), necessitating the need to include the impact of ORVR in the emissions methodology. Additionally, Oregon VRS vacuum assisted recovery system interferes with ORVR, resulting in increased emissions for the ORVR/VRS combination. As such, gallons of fuel pumped into ORVR vs. non-ORVR vehicles is estimated using ORVR vehicle fleet penetration as a surrogate for distributing the fuel use for vehicle refueling activity. DEQ received 2019 vehicle registration data from the Oregon Department of Motor Vehicles by county. Registered gasoline vehicles for each county are grouped and summed by vehicle year, type (car and truck), and class (light, medium, and heavy duty). Fleet penetration is equal to total ORVR vehicles vs. total vehicles. Oregon's ORVR fleet penetration values are approximately three years behind the national average, so DEQ adjusted to reflect 2016-2030 EPA defaults from Table 1 in EPA's "Guidance for removing Stage II..." document which is more in line with Oregon ORVR fleet penetration and gasoline consumption.

Results

The results of the Oregon DEQ impact analysis are presented in tables 4-6. Oregon DEQ's analysis demonstrates that the proposed rule revisions will provide a benefit to air quality in all counties in Oregon when fully implemented. Oregon DEQ estimates that actions associated with all four scenarios in the proposed rules will result in emissions reductions. Estimated emissions reductions are most notable for scenario one in which Stage II ORVR-incompatible equipment must be replaced in the tri-county area by 2025, and scenario three, in which Oregon's largest GDFs must have Stage I EVR and ECO nozzles installed on dual-point gasoline storage tanks by 2030.

Table 6 shows the estimated emission reductions in Oregon if GDFs throughout the state and in the tri-county area install Stage I EVR and ECO nozzles and Stage I Vapor Balance, based on annual throughput outlined in the proposed rules. Negative numbers indicate the annual VOC emission reductions in tons per year once equipment associated with the revised rules is installed.

Table 4. Estimated rule impact on the tri-county area to VOC emissions annually associated with actions required by 2025

Stage II Incompatible Removal by 2025	Impact for Removing Stage II Incompatible[b]		New Controls Emissions Reductions and Total Rule Impacts[d,e]			
			Rule Scenarios [c]			
			1a	1b	1a	1b
County	Increment$_i$ (%)	Incremental Increased Emissions	Stage I EVR/ECO Nozzles	Stage II Compatible	Total Rule Impact	
	%	Tons	Tons		Tons	
Clackamas	-1.5%	-10.40	-24.16	-38.40	-34.56	-48.80
Multnomah	-1.3%	-12.00	-28.62	-45.50	-40.62	-57.50
Washington	-1.3%	-11.87	-29.51	-46.91	-41.38	-58.77

Table 5. Estimated rule impact on the tri-county area to VOC emissions annually associated with actions required by 2030

Stage II Compatible Removal by 2030	Impact for Removing Stage II Compatible[b]		New Controls Emissions Reductions[d,e] Rule Scenario[c] 2	
County	Increment (%)	Incremental Increased	Stage I EVR/ECO Nozzles	Total Rule Impact
	%	Tons	Tons	
Clackamas	-3.5%	-24.86	-16.44	-41.30
Multnomah	-3.3%	-30.14	-21.88	-52.02
Washington	-3.3%	-30.56	-22.58	-53.14

Notes applicable to tables 4 and 5: these values incorporate EPA's 2012 guidance document[1] to estimate impacts on refueling emissions inventories for removing Stage II Incompatible systems from the tri-county area. [b] Estimates the impact to vehicle refueling emissions by removing Stage II incompatible and compatible controls. If the increment is zero or negative, this value indicates that removing Stage II would not increase the refueling emissions inventory because the higher efficiency from ORVR and incompatibility emissions offset the increment due to non-ORVR vehicles being refueled at Stage II GDFs. [c] Estimated emissions reductions by installing Stage I EVR controls and vehicle refueling controls such as adding ECO nozzles or installing Stage II compatible. [d] Emissions reductions were calculated taking the difference between the old and new emission factors and applying the 2019 annual throughput. [e] Total rule impact combines the emission reductions for new controls to potentially be installed.

Table 6. Estimated rule impact on state-wide VOC emissions annually

New Controls Installed by 2030	Total Rule Impact Installing New Controls[b,c]		
Rule Scenarios	3	4a[e]	4b[e]
Number of Facilities	547	157	59
	Large GDFs	New or Replace Tanks	
Rule Thresholds by Throughput	***≥ 1million gpy***	***≥ 600,000 gpy***	***120,000 - 599,999 gpy***
Location	**Stage I EVR/ECO Nozzles (Tons)**	**Stage I EVR/ECO Nozzles (Tons)**	**Stage I Vapor Balance System (Tons)**
Remainder State	-221.70	-38.51	-0.07
Tri-county Area	-154.08	0.00	0.00

Note: The total rule impact combines the emission reductions for new controls to potentially be installed. Table 4 does not include Stage II controls for any statewide scenario. Facilities located outside the tri-county area have not been required to install Stage II controls. These are the proposed emissions reductions if GDFs throughout the state and in the tri-county area install Stage I EVR and ECO nozzles and Stage I Vapor Balance systems. The negative number indicates the annual VOC emissions reductions (tons per year) once installed.

[c] Emissions reductions were calculated taking the difference between the old and new emission factor and applying the 2019 annual throughput. [e] Rule options 4a and 4b includes existing facilities with tanks aged 30 yrs or older that could be replaced; zero emission reductions indicate that there are no tanks that need to be replaced in the tri-county area at that annual gallons throughput threshold.

Conclusions

The proposed changes to OAR will provide a net benefit in terms of air quality in Oregon. Oregon DEQ expects that VOC emissions reductions associated with implementation of these rules will be most notable for larger GDFs that must comply with new requirements by 2030. Emissions reduction benefits are expected to continue across the State of Oregon for the duration of implementation of these rules, particularly as aging underground storage tanks at GDFs are replaced with required equipment that minimize VOC emissions. Oregon DEQ expects that none of the actions associated with the proposed rules will interfere with maintenance of the National Ambient Air Quality Standards for ozone.

References

[1] *"Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures" EPA-457/B-12-001. August 7, 2012*

[2] *CARB "Revised Emission Factors for Gasoline Marketing Operations at California Gasoline Dispensing Facilities" December 23, 2013.*

Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~
New/inserted text

Division 200
GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040
State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on ~~November 18, 2022~~March 22, 2024.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468A & ORS 468.020
Statutes/Other Implemented: ORS 468A.035 & 468A.135
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022
DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021

DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021
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DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95

DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83

DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 216
AIR CONTAMINANT DISCHARGE PERMITS

340-216-0060
General Air Contaminant Discharge Permits

(1) Applicability.

(a) DEQ may issue a General ACDP under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and

(D) The regulated pollutants emitted are of the same type for all covered operations.

(E) DEQ may determine that a source is ineligible for a General ACDP based upon the considerations in OAR 340-216-0025(7).

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the EQC;

(B) PSELs set at the potential to emit for the largest emitting source in the source category in the state for all regulated pollutants emitted at more than the de minimis emission level according to OAR chapter 340, division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards; and

(D) A permit expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action according to OAR chapter 340, division 209. A reissued General ACDP

or a modification to a General ACDP requires public notice as a Category II permit action according to OAR chapter 340, division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Petition for General ACDP Categories. Any person may file a petition with DEQ to add a category for a General ACDP. DEQ may use its discretion to determine whether to issue any such new General ACDP. The petition must include at least the following information:

(a) Justification for why a new General ACDP category should be developed;

(b) The approximate number of businesses that would be eligible for the General ACDP;

(c) Criteria for qualification to the General ACDP; and

(d) A list of the requirements applicable to the activities or sources that would be eligible for the new General ACDP.

(3) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application according to OAR 340-216-0040 that includes the information in 340-216-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees in OAR 340-216-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers — Fee Class Three;

(B) Decorative chrome platers — Fee Class Two;

(C) Halogenated solvent degreasers — batch cold, batch vapor, and in-line — Fee Class Two;

(D) Perchloroethylene dry cleaners — Fee Class Six;

(E) Asphalt plants — Fee Class Three;

(F) Rock crushers — Fee Class Two;

(G) Ready-mix concrete — Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying — Fee Class Three;

(I) Boilers — Fee Class Two;

(J) Crematories — Fee Class One;

(K) Grain elevators — Fee Class One;

(L) Prepared feeds, flour, and cereal — Fee Class One;

(M) Seed cleaning — Fee Class One;

(N) Coffee roasters — Fee Class One;

(O) Bulk gasoline plants — Fee Class One;

(P) Electric power generators — Fee Class Two;

(Q) Clay ceramics — Fee Class One;

(R) Hospital sterilizers — Fee Class Four;

~~(S) Gasoline dispensing facilities — stage I — Fee Class Five;~~

(S~~T~~) Gasoline dispensing facilities — ~~stage II —~~Fee Class Four;

(T~~U~~) Wood preserving — Fee Class Four;

(U~~V~~) Metal fabrication and finishing — with two or more of the following operations — Fee Class Two;

(i) Dry abrasive blasting performed in a vented enclosure or of objects greater than 8 feet (2.4 meters) in any one dimension that uses materials that contain MFHAP or has the potential to emit MFHAP;

(ii) Spray-applied painting operation using MFHAP containing paints;

(iii) Welding operation that uses materials that contain MFHAP or has the potential to emit MFHAP and uses 2,000 pounds or more per year of MFHAP containing welding wire and rod (calculated on a rolling 12-month basis);

(V~~W~~) Metal fabrication and finishing — with only one of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class One;

(W~~X~~) Metal fabrication and finishing — with none of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class Four;

(X~~Y~~) Plating and polishing — Fee Class One;

(Y~~Z~~) Surface coating operations — Fee Class One;

(ZAA) Paints and allied products manufacturing — Fee Class Two; and

(AABB) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements according to OAR chapter 340, division 209.

(B) A person is not a permittee under the General ACDP until DEQ assigns the General ACDP to the person.

(C) Assignments to General ACDPs and attachments terminate when the General ACDP or attachment expires or is modified, terminated or revoked.

(D) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all applicable requirements, excluding any federal requirements not adopted by the EQC, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments according to OAR 340-216-0062, otherwise the owner or operator of the source must obtain a Simple or Standard ACDP.

(E) An owner or operator of a source requesting to be assigned to a General ACDP Attachment, according to OAR 340-216-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(4) DEQ Initiated Modification. If DEQ determines that the conditions have changed such that a General ACDP for a category needs to be modified, DEQ may issue a modified General ACDP for that category and assign all existing General ACDP permit holders to the modified General ACDP.

(5) Rescission. DEQ may rescind a permittee's assignment to a General ACDP if the permittee's source no longer meets the requirements or qualification conditions of the permit. In such case, the permittee must submit an application within 60 days for a Simple or Standard ACDP upon notification by DEQ of DEQ's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the permittee fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the permittee's assignment to the General ACDP.

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

[NOTE: All tables are found in OAR 340-216-8010, -8020, -8030.]

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Statutes/Other Implemented: ORS 468 & 468A
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DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
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 8-2007, f. & cert. ef. 11-8-07
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 10-2001, f. & cert. ef. 8-30-01
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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 -0231, 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) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.~~

(2~~3~~) "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~~4~~) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.

(~~5~~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.

~~(6) "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 a vapor connection.~~

(5~~7~~) "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~~8~~) "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~~9~~) "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~~10~~) "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~~11~~) "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.

~~(12) "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.~~

~~(13) "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 Air Quality Maintenance Area, and the Salem-Keizer Area Transportation Study area, "gasoline dispensing facility" includes any stationary facility which dispenses gasoline into the fuel tank of an airplane.~~

(10~~4~~) "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~~5~~) "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~~6~~) "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.

~~(17) "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~~8~~) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(14~~9~~) "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~~20~~) "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~~21~~) "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~~22~~) "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.

(1823) "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.

(1924) "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.

(205) "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.

(216) "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.

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

(238) "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;

~~(29) "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 340-244-0240(3) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.~~

~~(30) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.~~

~~(31) "Vapor balance system" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.~~

~~(32) "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.~~

~~(33) "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).~~

[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

340-244-0231
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” or “dual point” 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-104, or VR-105 as of December 1, 2023. The specific equipment and requirements for an EVR system are found in Table 2 of this division.

(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 on an hourly, daily, weekly, monthly, and annual basis.

(7) “Existing” means a GDF that had commenced construction and the owner/operator had submitted all required construction notification and 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 Area Transportation Study, “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. This is the system in a motor vehicle, part of the fuel vapor emission control system, and is used to capture volatile organic compounds during the refueling process.

(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 (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 also submerged filling. .

(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 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).

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.040
History:

340-244-0232
~~**Emission Standards for**~~ **Gasoline Dispensing Facilities: Purpose**

Th~~is~~ese rules establish~~es~~ 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~~is~~ rules also establish~~es~~ 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
~~**Emission Standards for**~~ **Gasoline Dispensing Facilities: Affected Equipment and Sources**

(1) The emission sources to which the Gasoline Dispensing Facilities rules under OAR 340-244-0231 through 340-244-0251 apply are gasoline storage tanks and all associated equipment components in vapor or liquid gasoline service at a~~-~~ GDF.

(2~~1~~) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the delivery of ~~product~~ gasoline to a GDF, ~~and also includes~~ 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~~2~~) The emissions standards in OAR 340-244-~~0236~~0231 through 340-244-0251~~2~~ 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) ~~(7)~~ The owner or operator of a GDF, as defined in ~~section~~this rule ~~(1)~~, is not required to obtain an Oregon Title V Operating Permit as a result of being subject to OAR 340-244-0231~~6~~ 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 340-244-0231 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 340-244-0231 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 a 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 24 months after the affected source becomes subject to the additional or changed requirement, unless otherwise specified within this division.

(10) A split compartment gasoline storage tank (i.e., one storage tank that is internally divided to hold two or more different types of liquid) will have each compartment of the tank treated as a separate storage tank for purposes of compliance with OAR 340-244-0231 through -0251.

(11) The owner or operator of a new GDF, a reconstructed GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more, or any new or replaced storage tank(s) at a GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more must comply with OAR 340-244-0248(1).

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 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

OAR 340-244-0239~~9~~5
Gasoline Dispensing Facilities: General Duties to Minimize Emissions

The owner or operator of a~~n affected source~~ GDF must, at all times, operate and maintain ~~any affected source~~ 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 ~~and the EPA Administrator~~ 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

OAR 340-244-0237
Gasoline Dispensing Facilities: GDF 1

The owner or operator of a GDF 1 as described in OAR 340-244-0234(4) must comply with the following requirements:

(1) Work Practices, No Top Off, and Submerged Fill under OAR 340-244-0245; and

(2) Recordkeeping under OAR 340-244-0250.

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:

OAR 340-244-0238
Gasoline Dispensing Facilities: GDF 2

The owner or operator of a GDF 2 as described in OAR 340-244-0234(4) must comply with the following requirements:

(1) All applicable requirements under OAR 340-244-0237; and

(2) Reporting under OAR 340-244-0251.

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:

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 into 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.

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:

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 all applicable requirements under OAR 340-244-0241;

(2) 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) Each storage tank must be dual point; and

(b) Install an Enhanced Vapor Recovery system on each storage tank and ECO nozzles on each gasoline dispenser under OAR 340-244-0246.

(3) The owner or operator of an **existing** GDF 4 must comply with the following:

(a) Each new, replaced, or reconstructed gasoline storage tank with 250 gallon or greater capacity must be dual point and install an Enhanced Vapor Recovery system under OAR 340-244-0246; and

(b) The owner or operator must install ECO nozzles on all gasoline dispensers at the time any gasoline storage tank is required to install an Enhanced Vapor Recovery system.

(4) 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.

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:

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 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) The gasoline storage tank must be dual point; and

(b) Install an Enhanced Vapor Recovery system on each storage tank and ECO nozzles on each gasoline dispenser under OAR 340-244-0246.

(3) The owner or operator of an **existing** GDF 5 must comply with the following by no later than December 31, 2029 or 24 months after becoming a GDF 5, whichever is later, for each gasoline storage tank with greater than 250 gallon capacity:

(a) Install an Enhanced Vapor Recovery system on each dual point gasoline storage tank under OAR 340-244-0246;

(b) Install ECO nozzles on each gasoline dispensing hose under OAR 340-244-0246. An owner or operator of a GDF 5 that has a compatible Stage II vapor recovery system may delay the installation of ECO nozzles until the Stage II vapor recovery system is capped, removed, or otherwise decommissioned under OAR 340-244-0247; and

(c) Each new or replaced gasoline storage tank must be dual point and have an Enhanced Vapor Recovery system installed under OAR 340-244-0246 before the tank is brought into gasoline service.

(4) The owner or operator of an existing GDF subject to this rule must install, maintain and operate a complete vapor balance system under OAR 340-244-0248 on all single point gasoline storage tanks with 250 gallon capacity or greater.

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:

OAR 340-244-0240~~0~~5
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(s) at the GDF instructing a person filling up a motor vehicle to not top off the vehicle tank. A sign must be placed on each gasoline dispenser, or on a permanent fixture within six feet of the dispenser, and be clearly visible to an individual using the hose and nozzle to dispense gasoline;

(c) Clean up spills as expeditiously as practicable. The owner or operator must develop a written plan that describes how a spill will be cleaned up upon occurrence. The plan must include, but is not limited to, where spill materials are located, a brief description of how each is used, and an explanation of how the owner or operator is implementing the 'as expeditiously as practicable' requirement of this subsection (c).

(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 ~~(e)~~ (d).

(2) **Submerged Fill.** Except ~~as specified in section (4)~~ 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 ~~facility~~GDF by utilizing submerged filling, as defined in OAR 340-244-0~~0~~230~~0~~1, and as specified in subsection ~~(3)~~(2)(a), ~~(3)~~(2)(b), or ~~(3)~~(2)(c). The applicable distances in subsections ~~(3)~~(2)(a) and ~~(3)~~(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 ~~and the EPA Administrator~~ during the course of a site visit or upon request within 48 hours.

(3) **Cargo Tank Unloading.** Any cargo tank unloading at a GDF that is equipped with a ~~functional~~ Stage I vapor balance system or Enhanced Vapor Recovery system must connect to the ~~vapor balance~~ 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)~~(c)~~(d).

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 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 rule must be equipped with CARB certified Stage I Enhanced Vapor Recovery equipment or an equivalent approved by DEQ before being placed into gasoline service. CARB certified Enhanced Vapor Recovery system components are listed in Table 2 of this rule.

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

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

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

(a) In order to ensure that the Enhanced Vapor Recovery equipment is maintained to be vapor tight and in good working order, have the equipment inspected on at least an annual basis to discover potential or actual equipment failures. Some components require more frequent inspection or maintenance. Where this annual inspection requirement and Table 2 conflict, the more frequent inspection or maintenance requirement applies;

(b) Replace, repair or modify the affected component or design element within 24 hours after the owner or operator knows or reasonably should know of the component or design element being worn or ineffective to ensure the vapor-tight integrity and efficiency of the Enhanced Vapor Recovery system. If repair parts must be ordered, either a written or oral order for those parts must be initiated within two working days of detecting such a leak. Such repair parts must be installed within five working days after receipt; and

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

(5) The owner or operator of a GDF equipped with an Enhanced Vapor Recovery system must operate and maintain all EVR components in accordance with manufacturer's specifications and Table 2 of this rule unless otherwise approved by DEQ in writing.

(6) The owner or operator of a GDF equipped with an EVR system must retain records as specified under OAR 340-244-0250 and Table 2 of this rule for the applicable EVR equipment or component.

(7) An owner or operator of a GDF required to install a Stage I EVR system may install components from different sections of Table 2 of this rule (i.e., 'mix and match') as long as each component specified in each section of Table 2 has a CARB approved component installed and the complete EVR system can pass all required performance tests.

(8) The owner or operator must maintain an equipment installation checklist or similar (e.g., record) which clearly documents which components were installed on each affected gasoline storage tank. The equipment installation checklist or similar document must be replaced, updated or revised each time a required EVR component is replaced.

[Note: For additional information on Enhanced Vapor Recovery systems, including manufacturer's requirements, installation specifications, and warranty information, please see the applicable California Air Resources Board Executive Orders.]

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

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 & 468A.050
Statutes/Other Implemented: ORS 468A.025 & 468A.050
History:

OAR 340-24~~2~~4-0~~520~~247
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 Stage II vapor recovery system is incompatible with ORVR, for example, if it actively draws gasoline vapor during dispensing and does not cease the vacuum draw when dispensing gasoline into an ORVR-equipped motor vehicle.

(a) Owners or operators with ORVR **compatible** Stage II vapor recovery systems must comply with section (2) of this rule; and

(b) Owners or operators with ORVR **incompatible** Stage II vapor recovery systems must comply with sections (3) or (4) 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 on each gasoline storage tank with 250 gallon capacity or greater under OAR 340-244-0246;

(c) The owner or operator installs ECO nozzles on each gasoline dispensing hose under OAR 340-244-0246;

(d) The Enhanced Vapor Recovery system and ECO nozzles must be installed no later than the same calendar day the complete Stage II vapor recovery system is uninstalled, capped, or otherwise decommissioned, except as provided in subsection (2)(e);

(e) If the owner or operator is not dispensing any gasoline from or loading any gasoline into any gasoline storage tanks at the facility, the Enhanced Vapor Recovery system and ECO nozzles must instead be installed before any gasoline is dispensed from or loaded into any gasoline storage tank at the facility.

(3) The owner or operator of an ORVR-incompatible Stage II vapor recovery system must remove, cap, or otherwise decommission 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 on each gasoline storage tank with 250 gallon capacity or greater under OAR 340-244-0246;

(c) Install ECO nozzles on each gasoline dispensing hose under OAR 340-244-0246;

(d) The Enhanced Vapor Recovery system and ECO nozzles must be installed no later than the same calendar day the complete Stage II vapor recovery system is uninstalled, capped, or otherwise decommissioned, except as provided in subsection (3)(e);

(e) If the owner or operator is not dispensing any gasoline from or loading any gasoline into any gasoline storage tanks at the facility, the Enhanced Vapor Recovery system and ECO nozzles must instead be installed before any gasoline is dispensed from or loaded into any gasoline storage tank at the facility.

(4) The owner or operator of an incompatible Stage II vapor recovery system must install a compatible Stage II vapor recovery system no later than December 31, 2024, and comply with the notice of construction requirements of division 210, as applicable.

(5) 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.

(6) 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 chapter 340 division 150 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" or manufacturer specifications are considered approved systems.]

(7) Owners and~~/or~~ operators of gasoline-dispensing facilities ~~subject to~~ with ~~s~~Stage II vapor recovery systems ~~collection requirements~~ 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 to onsite staff, contractors, and similar individuals (electronic or hardcopy);

(b) Inspect all components of the Stage II vapor recovery system, including but not limited to all hoses and nozzles, at least once every three months;

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

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

(8~~7~~) Approval of a ~~s~~Stage II vapor recovery system by DEQ does not relieve the owner ~~and/~~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.

(9~~8~~) Regarding installation, removal, decommissioning and testing of piping for ~~s~~Stage II vapor ~~collection~~ recovery systems:

(a) Piping must be installed, modified, decommissioned or removed in accordance with standards in OAR 340 division 150 as applicable;

(b) Piping must be installed, modified, decommissioned or removed by a licensed service provider pursuant to OAR 340 division 160 as applicable; 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 as defined by the appropriate testing method.

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)

OAR 340-244-0248~~2~~ ~~OAR 340-242-0242 Table 2 & 3~~
Gasoline Dispensing Facilities: Stage I 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 for a Stage I vapor balance system on each gasoline storage tank:

(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 340-244-0231;

(c) The Stage I 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; and

(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, in gallons.

E = Dimensionless constant equal to approximately 2.718.

2 = The initial pressure, in inches water.

(2) The owner or operator of a new GDF, a reconstructed GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more, or any new or replaced storage tank(s) at a GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more must install and operate a dual-point Stage I vapor balance system, as defined in OAR 340-244-0231, 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-~~0240~~0245(1) and must not unload gasoline into a storage tank at a GDF with a Stage I vapor balance system 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 ~~GDFsubject to section (1) or having a~~ gasoline storage tank ~~equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in OAR 340-244-0238~~ referred to this rule must comply with the following requirements:

(a) When loading a gasoline storage tank equipped with a ~~s~~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 ~~s~~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~~ every six months to discover potential or actual equipment failures; and

(d) Replace, repair or modify ~~any~~ the affected~~worn or ineffective~~ component or design element within 24 hours after the owner or operator knows or reasonably should know of the component or design element being worn on ineffective to ensure the vapor-tight integrity and efficiency of the Stage I vapor balance system. If repair parts must be ordered, either a written or ~~verbal~~ oral order for those parts must be initiated within ~~2~~two working days of detecting such a leak. Such repair parts must be installed within ~~5~~five working days after receipt.

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

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

(b) 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; and

(c) 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 directly conflict with applicable equipment or requirements of the Enhanced Vapor Recovery rule under OAR 340-244-0246, the EVR requirements and rule -0246 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

OAR 340-244-02494
Gasoline Dispensing Facilities: Testing and Monitoring Requirements

~~(1) Each owner or operator of a GDF, at time of installation, as specified in OAR 340-244-0238(4), of a vapor balance system required under 340-244-0242(1)(a), and every 3 years thereafter at a GDF with monthly throughput of 100,000 gallons of gasoline or more, must comply with the requirements in subsections (1)(a) and (b).~~

~~(a) The owner or operator of a GDF must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 2 of OAR 340-244-0242, for pressure-vacuum vent valves installed on gasoline storage tanks using the test methods identified in paragraph (1)(a)(A) or (B).~~

~~(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.1E, — Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted Oct. 8, 2003 (incorporated by reference, see 40 CFR 63.14).~~

~~(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).~~

~~(b) The owner or operator of a GDF must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 2 of OAR 340-244-0242, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using the test methods identified in paragraph (1)(b)(A), (1)(b)(B), or (1)(b)(C).~~

~~(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.3, — Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see 40 CFR 63.14).~~

~~(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).~~

~~(C) Bay Area Air Quality Management District Source Test Procedure ST-30 — Static Pressure Integrity Test — Underground Storage Tanks, adopted Nov. 30, 1983, and amended Dec. 21, 1994 (incorporated by reference, see 40 CFR 63.14).~~

~~(2) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 2 of OAR 340-244-0242, must demonstrate to DEQ or upon request by the EPA Administrator, the equivalency of their vapor balance system to that described in Table 2 of OAR 340-244-0242 using the procedures specified in subsections (2)(a) through (c).~~

~~(a) The owner or operator of a GDF must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1, — Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended Feb. 1, 2001, and Oct. 8, 2003, incorporated by reference, see 40 CFR 63.14.~~

~~(b) The owner or operator of a GDF must, during the initial performance test required under subsection (2)(a), determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 2 of OAR 340-244-0242 and for the static pressure performance requirement in~~

~~item 1(h) of Table 2 of 340-244-0242.~~

~~(c) The owner or operator of a GDF must comply with the testing requirements specified in section (1).~~

~~(3) Conduct of performance tests. Performance tests must be conducted under such conditions as DEQ or the EPA Administrator specifies to the owner or operator of a GDF based on representative performance, i.e., performance based on normal operating conditions, of the affected source. Upon request by DEQ or the EPA Administrator, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests.~~

~~(4) Owners and operators of gasoline cargo tanks subject to the provisions of Table 3 of OAR 340-244-0242 must conduct annual certification testing according to the vapor tightness testing requirements found in 40 CFR 63.11092(f).~~

(1) Effective March 1, 2024, the testing listed in this rule must 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. Initial tests must be completed no later than July 1, 2025. For owners or operators assigned to or issued an Air Contaminant Discharge Permit which requires testing, the testing requirements of both the Air Contaminant Discharge Permit and this rule must be met for the initial and subsequent tests.

(2) All subsequent tests must be conducted at the frequency required by this rule and no later than the end of the calendar month during which the initial test was conducted unless otherwise approved by DEQ.

(3) Stage I Vapor Balance and Stage II vapor recovery. The following test requirements apply to Stage I vapor balance and Stage II vapor recovery systems:

(a) An owner or operator of a GDF installing a new Stage I vapor balance or Stage II vapor recovery system must conduct and pass a "Pressure test", "PV Vent Valve test", and "Leak Rate of Drop Tube test" under section (6) 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) An existing GDF that has only conducted initial testing upon installation of the Stage I vapor balance system for "Pressure test" and "PV Vent Valve test", as listed under section (6), must conduct and pass a test for both of these and a "Leak Rate of Drop Tube test" before July 1, 2025;

(c) A GDF with a Stage I vapor balance system must conduct and pass a "Pressure test" and "PV Vent Valve test" under section (6) at least once every 24 months.

(4) Enhanced Vapor Recovery. The following test requirements apply to Enhanced Vapor Recovery systems:

(a) An owner or operator of a GDF installing a new Enhanced Vapor Recovery system must conducted and pass the following tests, as listed under section (6) 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:

(A) "Pressure test";

(B) "PV Vent Valve test";

(C) "Static Torque test" if the EVR system has rotatable adapters; and

(D) "Leak Rate of Drop Tube test".

(b) An owner or operator of a GDF that is equipped with an Enhanced Vapor Recovery system must conduct the tests listed in paragraph (4)(a)(A) through (D) at least once every 24 months.

(5) A failed test completed timely and a passing test completed after the required frequency is not compliant with this rule. Frequency requirements established in section (6) of this rule pertain to test results which demonstrate the vapor control equipment is functioning properly according to the applicable test method.

(6) Compliance tests for gasoline vapor control equipment are as follows:

(a) Stage I vapor balance and Stage I EVR systems must:

(A) Conduct a Pressure test every 24 months. A pressure test is either 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'.

(B) Conduct a Leak Rate of Drop Tube test every 24 months. A Leak Rate of Drop Tube test is 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' depending on the system configuration.

(C) Conduct a PV Vent Valve test every 24 months. A PV Vent Valve test is either CARB Vapor Recovery Test Procedure 201.1E (TP-201.1E) 'Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves' or CARB Vapor Recovery Test Procedure 201.1E (TP-201.1E) Alternate version (August 5, 2005).

(b) Stage I EVR systems with rotatable adapters must conduct a Static Torque test every 24 months. A static torque test is CARB test procedure 201.1B (TP-201.1B) 'Static Torque of Rotatable Phase I Adaptors'.

(7) In lieu of the sections (1) through (6) 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 sections (1) through (6).

(8) Each owner or operator of a GDF choosing to use a Stage I 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.

(9) 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.

(10) 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.

(11) Owners or operators of a gasoline storage tank that has a drop tube replaced not in association with the

installation of a Stage I Vapor Balance system or Enhanced Vapor Recovery system must conduct and pass a 'Pressure Test' as described in section (6) within 45 days of the date a new drop tube was installed.

[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

OAR 340-244-0248~~48~~50

~~Emission Standards for~~ Gasoline Dispensing Facilities: Recordkeeping ~~Requirements~~

(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 ~~OAR 340-244-0244(1) and (2)~~ this division;

(b) Records related to the operation and maintenance of ~~vapor balance~~ all equipment ~~required under OAR 340-244-0242.~~ in gasoline service, including Stage I vapor balance, Enhanced Vapor Recovery, and Stage II vapor recovery equipment. Any ~~vapor balance~~ equipment in gasoline or vapor service with a ~~component~~ 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 ~~vapor balance~~ equipment in gasoline service which may affect emissions. This includes, but is not limited to, installing new gasoline storage tanks, installing new vapor control equipment, changing vapor control equipment, or removing gasoline storage tanks or vapor control equipment;

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

(f) Records of actions taken during periods of malfunction to minimize emissions in accordance with OAR 340-244-~~0239(1)~~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); and

(h) A copy of the written plan for cleanup of spills required by OAR 340-244-0245(1)(c)(A). The plan must be retained for as long as the facility meets the definition of a GDF.

(3) Records required under section (2~~1~~) must be kept for a period of 5 years, unless otherwise specified, and must be made available for inspection and review by DEQ ~~and the EPA Administrator~~ during the course of a site visit.

(4) Each owner or operator of a gasoline cargo tank subject to the ~~management practices in Table 3 of OAR 340-244-0242~~ requirements in OAR 340-244-0248(3) must keep records documenting vapor tightness testing for a period of 5 years. Documentation must include each of the items specified in 40 CFR 63.11094(b)(2)(i) through (viii). ~~Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b).~~

(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)~~The owner or operator of a gasoline cargo tank must keep all vapor tightness testing records with the cargo tank.~~ 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 ~~comply with the requirements of paragraphs (3)(a)(A) and (B).~~ 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 ~~and the EPA Administrator~~ during the course of a site visit or within ~~a mutually agreeable time frame~~ 48 hours of a request. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(5) The owner or operator of a GDF that has a Stage I Enhanced Vapor Recovery system installed must retain

records as specified within Table 2 under OAR 340-244-0246 for the specific EVR system, equipment or component. 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 1-2011, f. & cert. ef. 2-24-11
DEQ 15-2008, f. & cert. ef 12-31-08

OAR 340-244-0250~~0~~1
Gasoline Dispensing Facilities: Reporting

~~(1) Each owner or operator of a GDF subject to the management practices in OAR 340-244-0242 must report to DEQ and the EPA Administrator the results of all volumetric efficiency tests required under OAR 340-244-0244(1) and (2). Reports submitted under this rule must be submitted within 180 days of the completion of the performance testing.~~

~~(2) Annual report. 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 facility on vapor recovery equipment which may affect emissions.~~

~~(c) List of all major maintenance performed on pollution control devices.~~

~~(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 340-244-0239(1), including actions taken to correct a malfunction.~~

(1) **Test Reports**. Each owner or operator of a GDF subject to the requirement to perform a test under OAR 340-244-0249 must report the results to DEQ within 30 days of the completion of the performance testing.

(2) **Annual reports**. Each owner or operator of a GDF 3, 4 or 5 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 and the annual total for the previous calendar year;

(b) A summary of changes made at the GDF on any equipment in gasoline or vapor service ~~stage I vapor balance and stage II vapor recovery equipment wh~~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 the~~a~~ malfunction.

(3) **Initial Notifications**. Each owner or operator of a GDF 3, 4, or 5 ~~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 of a ~~'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).

(c) The owner or operator of an existing GDF who has already submitted a Notification of Compliance Status does not need to submit an additional Notification of Compliance Status to comply with this section (4) unless requested to do so, in writing, by DEQ.

(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.]

[NOTE: This rule was renumbered from 340-244-0250 and combined with language from 340-244-0246 'notifications'.]

[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

340-244-0252
Emission Standards for Gasoline Dispensing Facilities: General Provision Applicability

Table 3 to 40 CFR part 63 subpart CCCCCC shows which parts of the General Provisions apply to the owner or operator.

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

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

Division 242
RULES APPLICABLE TO THE PORTLAND AREA

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

~~**340-242-0500**~~
~~**Gasoline Vapors from Gasoline Transfer and Dispensing Operations: Purpose and Applicability**~~

~~(1) Gasoline vapors contribute to the formation of ozone. OAR 340-242-0500 through 340-242-0520 require the control of gasoline vapors from gasoline dispensing operations.~~

~~(2) OAR 340-242-0500 through 340-242-0520 apply to gasoline dispensing facilities located within Clackamas, Multnomah and Washington Counties.~~

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 1-2011, f. & cert. ef. 2-24-11
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0400
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 16-1996, f. & cert. ef. 8-14-96
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91)

340-242-0510
Gasoline Vapors from Gasoline Transfer and Dispensing Operations: Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0500 through 340-242-0520. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0500 through 340-242-0520.

(1) "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.

(2) "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds per square inch (28 kilopascals) or higher, used as a motor fuel.

(3) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(4) "Annual throughput" means the amount of gasoline transferred into or dispensed from a gasoline dispensing facility during 12 consecutive months.

(5) "Stage I vapor collection system" 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.

(6) "Stage II vapor collection system" 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.

(7) "Substantially modified" means a modification of an existing gasoline dispensing facility which involves the addition of one or more new stationary gasoline storage tanks or the repair, replacement or reconditioning of an existing tank.

~~(8) "Vapor control systems" means a system that prevents emissions to the outdoor atmosphere from exceeding 4.7 grains per gallon (80 grams per 1,000 liters) of petroleum liquid loaded.~~

~~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 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0401~~
~~DEQ 20-1998, f. & cert. ef. 10-12-98~~
~~DEQ 16-1996, f. & cert. ef. 8-14-96~~
~~DEQ 4-1993, f. & cert. ef. 3-10-93~~
~~DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91)~~

Draft Rules: Edits Incorporated

Division 200
GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040
State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on March 22, 2024.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468A & ORS 468.020
Statutes/Other Implemented: ORS 468A.035 & 468A.135
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022
DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021
DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020
DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019
DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018
DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018
DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018
DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05

DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83
DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79

DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 216
AIR CONTAMINANT DISCHARGE PERMITS

340-216-0060
General Air Contaminant Discharge Permits

(1) Applicability.

(a) DEQ may issue a General ACDP under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and

(D) The regulated pollutants emitted are of the same type for all covered operations.

(E) DEQ may determine that a source is ineligible for a General ACDP based upon the considerations in OAR 340-216-0025(7).

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the EQC;

(B) PSELs set at the potential to emit for the largest emitting source in the source category in the state for all regulated pollutants emitted at more than the de minimis emission level according to OAR chapter 340, division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards; and

(D) A permit expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action according to OAR chapter 340, division 209. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action according to OAR chapter 340, division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Petition for General ACDP Categories. Any person may file a petition with DEQ to add a category for a General ACDP. DEQ may use its discretion to determine whether to issue any such new General ACDP. The petition must include at least the following information:

(a) Justification for why a new General ACDP category should be developed;

(b) The approximate number of businesses that would be eligible for the General ACDP;

(c) Criteria for qualification to the General ACDP; and

(d) A list of the requirements applicable to the activities or sources that would be eligible for the new General ACDP.

(3) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application according to OAR 340-216-0040 that includes the information in 340-216-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees in OAR 340-216-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers — Fee Class Three;

(B) Decorative chrome platers — Fee Class Two;

(C) Halogenated solvent degreasers — batch cold, batch vapor, and in-line — Fee Class Two;

(D) Perchloroethylene dry cleaners — Fee Class Six;

(E) Asphalt plants — Fee Class Three;

(F) Rock crushers — Fee Class Two;

(G) Ready-mix concrete — Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying — Fee Class Three;

(I) Boilers — Fee Class Two;

(J) Crematories — Fee Class One;

(K) Grain elevators — Fee Class One;

(L) Prepared feeds, flour, and cereal — Fee Class One;

(M) Seed cleaning — Fee Class One;

(N) Coffee roasters — Fee Class One;

(O) Bulk gasoline plants — Fee Class One;

(P) Electric power generators — Fee Class Two;

(Q) Clay ceramics — Fee Class One;

(R) Hospital sterilizers — Fee Class Four;

(S) Gasoline dispensing facilities — Fee Class Four;

(T) Wood preserving — Fee Class Four;

(U) Metal fabrication and finishing — with two or more of the following operations — Fee Class Two;

(i) Dry abrasive blasting performed in a vented enclosure or of objects greater than 8 feet (2.4 meters) in any one dimension that uses materials that contain MFHAP or has the potential to emit MFHAP;

(ii) Spray-applied painting operation using MFHAP containing paints;

(iii) Welding operation that uses materials that contain MFHAP or has the potential to emit MFHAP and uses 2,000 pounds or more per year of MFHAP containing welding wire and rod (calculated on a rolling 12-month basis);

(V) Metal fabrication and finishing — with only one of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class One;

(W) Metal fabrication and finishing — with none of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class Four;

(X) Plating and polishing — Fee Class One;

(Y) Surface coating operations — Fee Class One;

(Z) Paints and allied products manufacturing — Fee Class Two; and

(AA) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements according to OAR chapter 340, division 209.

(B) A person is not a permittee under the General ACDP until DEQ assigns the General ACDP to the person.

(C) Assignments to General ACDPs and attachments terminate when the General ACDP or attachment expires or is modified, terminated or revoked.

(D) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all applicable requirements, excluding any federal requirements not adopted by the EQC, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments according to OAR 340-216-0062, otherwise the owner or operator of the source must obtain a Simple or Standard ACDP.

(E) An owner or operator of a source requesting to be assigned to a General ACDP Attachment, according to OAR 340-216-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(4) DEQ Initiated Modification. If DEQ determines that the conditions have changed such that a General ACDP for a category needs to be modified, DEQ may issue a modified General ACDP for that category and assign all existing General ACDP permit holders to the modified General ACDP.

(5) Rescission. DEQ may rescind a permittee's assignment to a General ACDP if the permittee's source no longer meets the requirements or qualification conditions of the permit. In such case, the permittee must submit an application within 60 days for a Simple or Standard ACDP upon notification by DEQ of DEQ's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the permittee fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the permittee's assignment to the General ACDP.

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

[NOTE: All tables are found in OAR 340-216-8010, -8020, -8030.]

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Statutes/Other Implemented: ORS 468 & 468A
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 128-2018, minor correction filed 04/11/2018, effective 04/11/2018
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 9-2014, f. & cert. ef. 6-26-14
DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
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 8-2007, f. & cert. ef. 11-8-07
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 10-2001, f. & cert. ef. 8-30-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725
DEQ 14-1998, f. & cert. ef. 9-14-98

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 -0231, 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

340-244-0231
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” or “dual point” 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-104, or VR-105 as of December 1, 2023. The specific equipment and requirements for an EVR system are found in Table 2 of this division.

(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 on an hourly, daily, weekly, monthly, and annual basis.

(7) “Existing” means a GDF that had commenced construction and the owner/operator had submitted all

required construction notification and 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 Area Transportation Study, “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. This is the system in a motor vehicle, part of the fuel vapor emission control system, and is used to capture volatile organic compounds during the refueling process.

(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 (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 also submerged filling. .

(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 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).

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.040
History:

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 340-244-0231 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 340-244-0231 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 340-244-0231 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 340-244-0231 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 340-244-0231 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 a 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 24 months after the affected source becomes subject to the additional or changed requirement, unless otherwise specified within this division.

(10) A split compartment gasoline storage tank (i.e., one storage tank that is internally divided to hold two or more different types of liquid) will have each compartment of the tank treated as a separate storage tank for purposes of compliance with OAR 340-244-0231 through -0251.

(11) The owner or operator of a new GDF, a reconstructed GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more, or any new or replaced storage tank(s) at a GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more must comply with OAR 340-244-0248(1).

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 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

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

OAR 340-244-0237
Gasoline Dispensing Facilities: GDF 1

The owner or operator of a GDF 1 as described in OAR 340-244-0234(4) must comply with the following requirements:

(1) Work Practices, No Top Off, and Submerged Fill under OAR 340-244-0245; and

(2) Recordkeeping under OAR 340-244-0250.

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:

OAR 340-244-0238
Gasoline Dispensing Facilities: GDF 2

The owner or operator of a GDF 2 as described in OAR 340-244-0234(4) must comply with the following requirements:

(1) All applicable requirements under OAR 340-244-0237; and

(2) Reporting under OAR 340-244-0251.

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:

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 into 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.

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:

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 all applicable requirements under OAR 340-244-0241;

(2) 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) Each storage tank must be dual point; and

(b) Install an Enhanced Vapor Recovery system on each storage tank and ECO nozzles on each gasoline dispenser under OAR 340-244-0246.

(3) The owner or operator of an **existing** GDF 4 must comply with the following:

(a) Each new, replaced, or reconstructed gasoline storage tank with 250 gallon or greater capacity must be dual point and install an Enhanced Vapor Recovery system under OAR 340-244-0246; and

(b) The owner or operator must install ECO nozzles on all gasoline dispensers at the time any gasoline storage tank is required to install an Enhanced Vapor Recovery system.

(4) 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.

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:

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 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) The gasoline storage tank must be dual point; and

(b) Install an Enhanced Vapor Recovery system on each storage tank and ECO nozzles on each gasoline dispenser under OAR 340-244-0246.

(3) The owner or operator of an **existing** GDF 5 must comply with the following by no later than December 31, 2029 or 24 months after becoming a GDF 5, whichever is later, for each gasoline storage tank with greater than 250 gallon capacity:

(a) Install an Enhanced Vapor Recovery system on each dual point gasoline storage tank under OAR 340-244-0246;

(b) Install ECO nozzles on each gasoline dispensing hose under OAR 340-244-0246. An owner or operator of a GDF 5 that has a compatible Stage II vapor recovery system may delay the installation of ECO nozzles until the Stage II vapor recovery system is capped, removed, or otherwise decommissioned under OAR 340-244-0247; and

(c) Each new or replaced gasoline storage tank must be dual point and have an Enhanced Vapor Recovery system installed under OAR 340-244-0246 before the tank is brought into gasoline service.

(4) The owner or operator of an existing GDF subject to this rule must install, maintain and operate a complete vapor balance system under OAR 340-244-0248 on all single point gasoline storage tanks with 250 gallon capacity or greater.

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:

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 sign(s) at the GDF instructing a person filling up a motor vehicle to not top off the vehicle tank. A sign must be placed on each gasoline dispenser, or on a permanent fixture within six feet of the dispenser, and be clearly visible to an individual using the hose and nozzle to dispense gasoline;

(c) Clean up spills as expeditiously as practicable. The owner or operator must develop a written plan that describes how a spill will be cleaned up upon occurrence. The plan must include, but is not limited to, where spill materials are located, a brief description of how each is used, and an explanation of how the owner or operator is implementing the 'as expeditiously as practicable' requirement of this subsection (c).

(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 340-244-0231, 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 that is 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).

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 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)~~(2) All new, replaced, or reconstructed gasoline storage tanks referred to this rule must be equipped with CARB certified Stage I Enhanced Vapor Recovery equipment or an equivalent approved by DEQ before being placed into gasoline service. CARB certified Enhanced Vapor Recovery system components are listed in Table 2 of this rule.

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

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

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

(a) In order to ensure that the Enhanced Vapor Recovery equipment is maintained to be vapor tight and in good working order, have the equipment inspected on at least an annual basis to discover potential or actual equipment failures. Some components require more frequent inspection or maintenance. Where this annual inspection requirement and Table 2 conflict, the more frequent inspection or maintenance requirement applies;

(b) Replace, repair or modify the affected component or design element within 24 hours after the owner or operator knows or reasonably should know of the component or design element being worn or ineffective to ensure the vapor-tight integrity and efficiency of the Enhanced Vapor Recovery system. If repair parts must be ordered, either a written or oral order for those parts must be initiated within two working days of detecting such a leak. Such repair parts must be installed within five working days after receipt; and

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

(5) The owner or operator of a GDF equipped with an Enhanced Vapor Recovery system must operate and maintain all EVR components in accordance with manufacturer's specifications and Table 2 of this rule unless otherwise approved by DEQ in writing.

(6) The owner or operator of a GDF equipped with an EVR system must retain records as specified under OAR 340-244-0250 and Table 2 of this rule for the applicable EVR equipment or component.

(7) An owner or operator of a GDF required to install a Stage I EVR system may install components from different sections of Table 2 of this rule (i.e., 'mix and match') as long as each component specified in each section of Table 2 has a CARB approved component installed and the complete EVR system can pass all required performance tests.

(8) The owner or operator must maintain an equipment installation checklist or similar (e.g., record) which clearly documents which components were installed on each affected gasoline storage tank. The equipment installation checklist or similar document must be replaced, updated or revised each time a required EVR component is replaced.

[Note: For additional information on Enhanced Vapor Recovery systems, including manufacturer's requirements, installation specifications, and warranty information, please see the applicable California Air Resources Board Executive Orders.]

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

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 & 468A.050
Statutes/Other Implemented: ORS 468A.025 & 468A.050
History:

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 Stage II vapor recovery system is incompatible with ORVR, for example, if it actively draws gasoline vapor during dispensing and does not cease the vacuum draw when dispensing gasoline into an ORVR-equipped motor vehicle.

(a) Owners or operators with ORVR **compatible** Stage II vapor recovery systems must comply with section (2) of this rule; and

(b) Owners or operators with ORVR **incompatible** Stage II vapor recovery systems must comply with sections (3) or (4) 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 on each gasoline storage tank with 250 gallon capacity or greater under OAR 340-244-0246;

(c) The owner or operator installs ECO nozzles on each gasoline dispensing hose under OAR 340-244-0246;

(d) The Enhanced Vapor Recovery system and ECO nozzles must be installed no later than the same calendar day the complete Stage II vapor recovery system is uninstalled, capped, or otherwise decommissioned, except as provided in subsection (2)(e);

(e) If the owner or operator is not dispensing any gasoline from or loading any gasoline into any gasoline storage tanks at the facility, the Enhanced Vapor Recovery system and ECO nozzles must instead be installed before any gasoline is dispensed from or loaded into any gasoline storage tank at the facility.

(3) The owner or operator of an ORVR-incompatible Stage II vapor recovery system must remove, cap, or otherwise decommission 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 on each gasoline storage tank with 250 gallon capacity or greater under OAR 340-244-0246;

(c) Install ECO nozzles on each gasoline dispensing hose under OAR 340-244-0246;

(d) The Enhanced Vapor Recovery system and ECO nozzles must be installed no later than the same calendar day the complete Stage II vapor recovery system is uninstalled, capped, or otherwise decommissioned, except as provided in subsection (3)(e);

(e) If the owner or operator is not dispensing any gasoline from or loading any gasoline into any gasoline storage tanks at the facility, the Enhanced Vapor Recovery system and ECO nozzles must instead be installed before any gasoline is dispensed from or loaded into any gasoline storage tank at the facility.

(4) The owner or operator of an incompatible Stage II vapor recovery system must install a compatible Stage II vapor recovery system no later than December 31, 2024, and comply with the notice of construction requirements of division 210, as applicable.

(5) 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.

(6) 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 chapter 340 division 150 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” or manufacturer specifications are considered approved systems.]

(7) Owners and operators of 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 to onsite staff, contractors, and similar individuals (electronic or hardcopy);

(b) Inspect all components of the Stage II vapor recovery system, including but not limited to all hoses and nozzles, at least once every three months;

(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.

(8) 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.

(9) Regarding installation, removal, decommissioning and testing of piping for Stage II vapor recovery systems:

(a) Piping must be installed, modified, decommissioned or removed in accordance with standards in OAR 340 division 150 as applicable;

(b) Piping must be installed, modified, decommissioned or removed by a licensed service provider pursuant to OAR 340 division 160 as applicable; 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 as defined by the appropriate testing method.

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)

OAR 340-244-0248
Gasoline Dispensing Facilities: Stage I 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 for a Stage I vapor balance system on each gasoline storage tank:

(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 340-244-0231;

(c) The Stage I 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; and

(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, in gallons.

E = Dimensionless constant equal to approximately 2.718.

2 = The initial pressure, in inches water.

(2) The owner or operator of a new GDF, a reconstructed GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more, or any new or replaced storage tank(s) at a GDF that has ever had monthly throughput of 100,000 gallons of gasoline or more must install and operate a dual-point Stage I vapor balance system, as defined in OAR 340-244-0231, 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 a Stage I vapor balance system 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 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 every six months to discover potential or actual equipment failures; and

(d) Replace, repair or modify the affected component or design element within 24 hours after the owner or operator knows or reasonably should know of the component or design element being worn on ineffective to ensure the vapor-tight integrity and efficiency of the Stage I vapor balance system. If repair parts must be ordered, either a written or oral order for those parts must be initiated within two working days of detecting such a leak. Such repair parts must be installed within five working days after receipt.

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

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

(b) 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; and

(c) 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 directly conflict with applicable equipment or requirements of the Enhanced Vapor Recovery rule under OAR 340-244-0246, the EVR requirements and rule -0246 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

OAR 340-244-0249
Gasoline Dispensing Facilities: Testing and Monitoring Requirements

(1) Effective March 1, 2024, the testing listed in this rule must 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. Initial tests must be completed no later than July 1, 2025. For owners or operators assigned to or issued an Air Contaminant Discharge Permit which requires testing, the testing requirements of both the Air Contaminant Discharge Permit and this rule must be met for the initial and subsequent tests.

(2) All subsequent tests must be conducted at the frequency required by this rule and no later than the end of the calendar month during which the initial test was conducted unless otherwise approved by DEQ.

(3) Stage I Vapor Balance and Stage II vapor recovery. The following test requirements apply to Stage I vapor balance and Stage II vapor recovery systems:

(a) An owner or operator of a GDF installing a new Stage I vapor balance or Stage II vapor recovery system must conduct and pass a "Pressure test", "PV Vent Valve test", and "Leak Rate of Drop Tube test" under section (6) 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) An existing GDF that has only conducted initial testing upon installation of the Stage I vapor balance system for "Pressure test" and "PV Vent Valve test", as listed under section (6), must conduct and pass a test for both of these and a "Leak Rate of Drop Tube test" before July 1, 2025;

(c) A GDF with a Stage I vapor balance system must conduct and pass a "Pressure test" and "PV Vent Valve test" under section (6) at least once every 24 months.

(4) Enhanced Vapor Recovery. The following test requirements apply to Enhanced Vapor Recovery systems:

(a) An owner or operator of a GDF installing a new Enhanced Vapor Recovery system must conducted and pass the following tests, as listed under section (6) 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:

(A) "Pressure test";

(B) "PV Vent Valve test";

(C) "Static Torque test" if the EVR system has rotatable adapters; and

(D) "Leak Rate of Drop Tube test".

(b) An owner or operator of a GDF that is equipped with an Enhanced Vapor Recovery system must conduct the tests listed in paragraph (4)(a)(A) through (D) at least once every 24 months.

(5) A failed test completed timely and a passing test completed after the required frequency is not compliant

with this rule. Frequency requirements established in section (6) of this rule pertain to test results which demonstrate the vapor control equipment is functioning properly according to the applicable test method.

(6) Compliance tests for gasoline vapor control equipment are as follows:

(a) Stage I vapor balance and Stage I EVR systems must:

(A) Conduct a Pressure test every 24 months. A pressure test is either 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'.

(B) Conduct a Leak Rate of Drop Tube test every 24 months. A Leak Rate of Drop Tube test is 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' depending on the system configuration.

(C) Conduct a PV Vent Valve test every 24 months. A PV Vent Valve test is either CARB Vapor Recovery Test Procedure 201.1E (TP-201.1E) 'Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves' or CARB Vapor Recovery Test Procedure 201.1E (TP-201.1E) Alternate version (August 5, 2005).

(b) Stage I EVR systems with rotatable adapters must conduct a Static Torque test every 24 months. A static torque test is CARB test procedure 201.1B (TP-201.1B) 'Static Torque of Rotatable Phase I Adaptors'.

(7) In lieu of the sections (1) through (6) 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 sections (1) through (6).

(8) Each owner or operator of a GDF choosing to use a Stage I 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.

(9) 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.

(10) 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.

(11) Owners or operators of a gasoline storage tank that has a drop tube replaced not in association with the installation of a Stage I Vapor Balance system or Enhanced Vapor Recovery system must conduct and pass a 'Pressure Test' as described in section (6) within 45 days of the date a new drop tube was installed.

[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

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 all equipment in gasoline service, including Stage I vapor balance, Enhanced Vapor Recovery, and Stage II vapor recovery equipment. Any 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. This includes, but is not limited to, installing new gasoline storage tanks, installing new vapor control equipment, changing vapor control equipment, or removing gasoline storage tanks or vapor control equipment;

(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;

(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); and

(h) A copy of the written plan for cleanup of spills required by OAR 340-244-0245(1)(c)(A). The plan must be retained for as long as the facility meets the definition of a GDF.

(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 and review 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. Documentation must include each of the items specified in 40 CFR 63.11094(b)(2)(i) through (viii).

(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 48 hours of a request. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(5) The owner or operator of a GDF that has a Stage I Enhanced Vapor Recovery system installed must retain records as specified within Table 2 under OAR 340-244-0246 for the specific EVR system, equipment or component. 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 1-2011, f. & cert. ef. 2-24-11
DEQ 15-2008, f. & cert. ef 12-31-08

OAR 340-244-0251
Gasoline Dispensing Facilities: Reporting

(1) **Test Reports**. Each owner or operator of a GDF subject to the requirement to perform a test under OAR 340-244-0249 must report the results to DEQ within 30 days of the completion of the performance testing.

(2) **Annual reports**. Each owner or operator of a GDF 3, 4 or 5 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 and the annual total for the previous calendar year;

(b) A summary of changes made at the GDF on any equipment in gasoline or vapor service 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 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 the malfunction.

(3) **Initial Notifications**. Each owner or operator of a GDF 3, 4, or 5 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 of a 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).

(c) The owner or operator of an existing GDF who has already submitted a Notification of Compliance Status does not need to submit an additional Notification of Compliance Status to comply with this section (4) unless requested to do so, in writing, by DEQ.

(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.]

[NOTE: This rule was renumbered from 340-244-0250 and combined with language from 340-244-0246 'notifications'.]

[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

340-244-0252
Emission Standards for Gasoline Dispensing Facilities: General Provision Applicability

Table 3 to 40 CFR part 63 subpart CCCCCC shows which parts of the General Provisions apply to the owner or operator.

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

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.025

History:
DEQ 15-2008, f. & cert. ef 12-31-08

Division 242
RULES APPLICABLE TO THE PORTLAND AREA

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