

401 KAR 59:175. New service stations.

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 42 U.S.C. 7401-7626, 7407, 7408, 7410

STATUTORY AUTHORITY: KRS 224.10-100

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. 42 USC 7410 likewise requires the state to implement standards for national primary and secondary ambient air quality. This administrative regulation provides for the control of volatile organic compound emissions from new service stations.

Section 1. Definitions. As used in this administrative regulation, all terms not defined in this section shall have the meaning given to them in 401 KAR 59:001.

- (1) "Affected facility" means the gasoline storage tanks at a service station.
- (2) "Classification date" means June 6, 1979.
- (3) "Service station" means a public or private establishment which dispenses gasoline into vehicle fuel tanks.
- (4) "Submerged fill pipe" means a fill pipe the discharge of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean a fill pipe the discharge opening of which is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.
- (5) "Vapor balance system" means a system which conducts vapors displaced from storage tanks during filling operations to the storage compartment of the transport vehicle delivering the fuel.
- (6) "Vent line restriction" means:
 - (a) An orifice of one-half (1/2) to three-quarters (3/4) inch inside diameter;
 - (b) A pressure-vacuum relief valve set to open at not less than eight (8) oz. per square inch pressure and not less than one-half (1/2) oz. per square inch vacuum unless a different vacuum relief setting is required by safety or fire authorities; or
 - (c) A vent shutoff valve which is activated by connection of the vapor return hose.

Section 2. Applicability. This administrative regulation shall apply to each affected facility commenced on or after the classification date defined in Section 1 of this administrative regulation which is located in a county or portion of a county which is designated ozone nonattainment, for any nonattainment classification except marginal, under 401 KAR 51:010.

Section 3. Standard for VOCs.

- (1) The owner or operator of an affected facility shall install, maintain, and operate the following devices:
 - (a) Submerged fill pipe;
 - (b) Vent line restriction on the affected facility vent line; and
 - (c) Vapor balance system and vapor tight connections on the liquid fill line and the vapor return line. The cross-sectional area of the vapor return hose must be at least fifty (50) percent of the liquid fill hose, and free of flow restrictions to achieve acceptable recovery. The size and design of the vapor return line and connections, including coaxial systems, are subject to the approval of the cabinet.
 - (d) If the gasoline storage tank is equipped with a separate gauge well, a gauge well drop tube shall be installed which extends to within six (6) inches of the bottom of the tank.

(2) The owner or operator may elect to use an alternate control system if that system can be demonstrated to the cabinet's satisfaction to achieve an equivalent control efficiency.

(3) The owner or operator shall not allow any transport vehicle to deliver fuel to an affected facility until the transport vehicle is properly connected to the vapor balance system or alternate control system.

Section 4. Compliance Timetable.

(1) Affected facilities which were subject to this administrative regulation as in effect on December 3, 1980, shall have achieved final compliance upon start-up.

(2) The owner or operator of an affected facility which becomes subject to this administrative regulation because it is located in a county or portion of a county previously designated nonurban nonattainment or redesignated in 401 KAR 51:010 after November 15, 1990, shall comply with this administrative regulation in the following manner:

(a) Facilities constructed prior to November 15, 1990, with monthly throughput of 100,000 gallons or more of gasoline shall comply within one (1) year of February 8, 1993.

(b) Facilities constructed prior to November 15, 1990, with a monthly throughput between 10,000 and 100,000 gallons, shall comply within two (2) years of February 8, 1993.

(c) Facilities constructed on or after November 15, 1990, but on or before the effective date of this administrative regulation, shall comply within six (6) months of February 8, 1993.

(d) Facilities commencing after February 8, 1993 shall comply with this administrative regulation.

(e) Facilities shall be considered to comply with the time requirements of paragraphs (a) through (d) of this subsection if the temporary operating permit authorized in Section 8(3) of 401 KAR 63:035 goes into effect by the date of compliance.

Section 5. Exemptions. An affected facility shall be exempt from the provisions of Section 3 of this administrative regulation if the annual throughput is less than or equal to 120,000 gal.

(401 KAR 059:175. 5 Ky.R. 453; 1044; eff. 6-6-1979; 7 Ky.R. 238; eff. 12-3-1980; 19 Ky.R. 1114; 1593; eff. 2-8-1993; TAm eff. 8-9-2007; Crt eff. 11-21-2018; TAm eff. 2-14-2019; Crt eff. 11-5-2025.)