

401 KAR 63:031. Leaks from gasoline tank trucks.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120

STATUTORY AUTHORITY: KRS 224.10-100

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. This administrative regulation provides for the control of volatile organic compound emissions from leaks from gasoline tank trucks.

Section 1. Definitions. As used in this administrative regulation, all terms not defined herein shall have the meaning given to them in 401 KAR 63:001.

- (1) "Affected facility" means a gasoline tank truck which loads at bulk terminals regulated by 401 KAR 59:099 or 401 KAR 61:055 or at bulk plants regulated by 401 KAR 59:101 or 401 KAR 61:056.
- (2) "Bulk gasoline plant" or "bulk plant" means a facility for the storage and dispensing of gasoline that employs tank trucks, trailers, or other mobile nonmarine vessels for both incoming and outgoing gasoline transfer operations.
- (3) "Bulk gasoline terminal" or "bulk terminal" means a gasoline facility which receives gasoline by pipeline, ship, or barge, and has a gasoline throughput greater than 75,700 liters per day.
- (4) "Gasoline" means a petroleum distillate or petroleum distillate-alcohol blend having a Reid vapor pressure of four (4) pounds per square inch or greater which is used as a fuel for internal combustion engines.
- (5) "Gasoline tank truck" or "tank truck" means a delivery tank truck used at bulk gasoline terminals or bulk gasoline plants which is loading gasoline or which has loaded gasoline on the immediately previous load.
- (6) "Kentucky pressure-vacuum test sticker" or "sticker" means a compliance sticker issued annually by the cabinet in accordance with Section 5 of this administrative regulation to the owner or operator of a gasoline tank truck subject to this administrative regulation or which may be issued by a local air pollution control district within the Commonwealth of Kentucky with an equivalent administrative regulation approved by the cabinet and the U.S. EPA.
- (7) "LEL" means lower explosive limit, measured as propane.
- (8) "Vapor collection system" means equipment used for containing total organic compounds vapors displaced during the loading of gasoline tank trucks.

Section 2. Applicability.

- (1) This administrative regulation shall apply to each affected facility which loads gasoline on or after the effective date of this administrative regulation in a county or portion of a county designated ozone nonattainment, for any nonattainment classification except marginal under 401 KAR 51:010.
- (2) This administrative regulation shall not apply to affected facilities which are subject to the equivalent regulations of a local air pollution control district within the Commonwealth of Kentucky which have been approved by the cabinet and the U.S. EPA.

Section 3. Standard for Volatile Organic Compounds.

- (1) No owner or operator of a gasoline tank truck subject to this administrative regulation shall allow loading unless the truck displays a valid sticker. The sticker shall be attached to the tank, shall be located near the U.S. Department of Transportation certification plate, and shall be clearly visible. This sticker shall indicate that the gasoline tank truck and its vapor collection system have been tested as having a pressure change of no more than seventy-five (75) mm water (three (3) in. water) in five (5) minutes when

pressurized to 450 mm water (eighteen (18) in. water) and evacuated to 150 mm water (six (6) in. water) using the test procedure in Section 4(1) of this administrative regulation.

(2) During loading operations at regulated bulk plants and bulk terminals, there shall be no reading greater than or equal to 100 percent of the LEL at a distance of two and five-tenths (2.5) centimeters around the perimeter of a potential leak source associated with the gasoline tank truck or its vapor collection system as detected by a combustible gas detector using the test procedure in Section 4(2) of this administrative regulation.

(3) During loading at bulk plants and bulk terminals, there shall be no visible liquid leaks. Drops of liquid resulting from the disconnection of dry breaks in well-maintained liquid lines shall be allowed.

Section 4. Compliance.

(1) Method 27, "Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test", specified in 40 CFR 60, Appendix A, July 1, 1991, and incorporated by reference in 401 KAR 50:015, or an alternate procedure approved by the cabinet, shall be used to determine compliance with Section 3(1) of this administrative regulation. The owner or operator of the tank truck shall have the tank truck tested annually and shall maintain records of test data, date of testing, identification of tank truck, type of repair, retest data and date. Records shall be maintained by the owner or operator for two (2) years after the date of testing and shall be made available upon request by the cabinet.

(2) The test procedure in Appendix B to "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (OAQPS 1.2-119, U.S. EPA, Office of Air Quality Planning and Standards), incorporated by reference in 401 KAR 50:015, or an equivalent procedure approved by the cabinet, shall be used by the cabinet to determine compliance with Section 3(2) of this administrative regulation during inspections. Trucks with leaks greater than or equal to 100 percent of the LEL shall be repaired and shall meet the pressure and vacuum standard described in Section 3(1) of this administrative regulation within fifteen (15) days.

Section 5. Sticker Application and Fee.

(1) The owner or operator of a gasoline tank truck subject to this administrative regulation shall apply annually to the cabinet for a sticker. Applications shall be made on form DEP-6020, Gasoline Tank Truck Pressure-Vacuum Test Certificate Application, which is incorporated by reference in Section 6 of this administrative regulation.

(2) The completed application shall include the test results demonstrating compliance with Section 3(1) of this administrative regulation. Applications shall be signed by the corporate president or by another authorized agent of the corporation; or by an equivalently responsible officer of organizations other than corporations; or, in other cases, by the source owner or operator; or, for political subdivisions, by the highest executive or official of the subdivision. The signature shall constitute personal affirmation that the statements made in the application are true and complete. Failure to supply information required by the cabinet shall result in denial of the application. The cabinet shall deny an application if the applicant willfully makes material misstatements in the application.

(3) The owner or operator shall include with the application for the sticker a certified check or money order in the amount of the sticker fee assessed by the cabinet, payable to the Kentucky State Treasurer. The sticker fee for each gasoline tank truck is ten (10) dollars per year. The permitting provisions in 401 KAR Chapter 52 shall not apply to the owner or operator of a gasoline tank truck subject to this administrative regulation. Sticker fees are not refundable if a sticker is denied or an application is withdrawn. Fees are payable at the time of application.

(4) Determination and notifications.

(a) Within fifteen (15) working days after receipt of an application, the cabinet shall advise the owner or operator if the application is not complete, and if additional information is necessary in order to evaluate the application.

(b) The cabinet shall make its determination concerning the application including its approval, or reasons for denial of the sticker application within thirty (30) days after receipt of a complete application.

(5) If the owner or operator of a gasoline tank truck displays a valid sticker which was issued under a previous version of this administrative regulation, that sticker shall remain valid for one (1) year from the effective date of the sticker.

(6) If the attainment designations of an area changes pursuant to 401 KAR 51:010 so that an affected facility becomes subject to this regulation for the first time, the affected facility shall have four (4) months from the effective date of the redesignation to comply with this administrative regulation.

(7) The owner or operator of a gasoline tank truck in compliance with a program determined by the cabinet to be equivalent to the standards in Section 3 of this administrative regulation but administered by another state in which the gasoline tank truck is based shall annually obtain a sticker in accordance with this section.

(8) The provisions of subsection (3) of this section shall not apply to publicly owned affected facilities.

Section 6. Forms Required Under this Administrative Regulation.

(1) The following form required to be submitted by regulated entities is incorporated by reference: DEP-6020, Gasoline Tank Truck Pressure-Vacuum Test Certificate Application.

(2) Copies of the form DEP-6020, Gasoline Tank Truck Pressure-Vacuum Test Certificate Application, are available at the following offices of the Division for Air Quality:

(a) Field Operations Branch, Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 573-3382;

(b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-8942, (606) 929-5285;

(c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (270) 746-7475;

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 564-3358;

(f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(g) London Regional Office, 875 South Main Street, London, Kentucky 40741, (606) 330-2080;

(h) Owensboro Regional Office, 3032 Alvey Park Drive West, Suite 700, Owensboro, Kentucky 42303, (270) 687-7304;

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468.

(8 Ky.R. 1129; 9 Ky.R. 212; eff. 8-24-1982; 19 Ky.R. 1118; 1466; eff. 2-8-1993; TAm eff. 8-9-2007; TAm. 5-20-2010; TAm eff. 9-16-2013; TAm eff. 7-8-2016; Crt eff. 9-12-2018.)