

040.080

GASOLINE TRANSFER AND DISPENSING FACILITIES (Adopted 2/27/91; Revised 10/22/97, 4/22/05, [12/20/12](#), [mm/dd/yy](#))

SECTION A – GENERAL

1. PURPOSE: The purpose of this regulation is to control and reduce emissions of volatile organic compounds (VOC)s from the sale and distribution of gasoline by requiring:
 - a. Control of gasoline vapors during the transfer and storage into stationary containers (Phase I)
 - ~~b. Control of gasoline vapors from the fueling of vehicles (Phase II).~~
 - ~~c.~~ b. Enhanced Vapor ~~recovery~~ Recovery (EVR)
2. APPLICABILITY: All gasoline dispensing and storage facilities within the Health District. Certain requirements, including exemptions, are defined within the rules – differing standards apply to various operations within the gasoline-dispensing infrastructure.

SECTION B – DEFINITIONS: For the purpose of these regulations, the following definitions shall apply:

- ~~1. Building, Structure, Facility, or Installation means all of the pollutant emitting activities, which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock Number 4101 0066 and 003 005 00176, respectively).~~
- ~~2. Control Officer means the District Health Officer of the Washoe County Health District or the person designated by said District Health Officer to enforce these local air pollution control ordinances and regulations as approved by said District Board of Health created pursuant to the inter local agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada.~~
- ~~3.~~ 1. District Approved Vapor Control System is means a system ~~which~~ that is designed to control vapors ~~that are~~ released during gasoline transfer operations, and that is certified by either the California Air Resources Board or the New York Department of Environmental Conservation to be at least 95 percent efficient and has been approved by the Control Officer for installation and operation in Washoe County. (Adopted 2/27/91)
- ~~4.~~ 2. Enhanced Vapor Recovery (EVR) shall means equipment ~~which~~ that complies with the ~~Enhanced Vapor Recovery (EVR)~~ requirements, approved pursuant to California Air Resources Board regulation CP-201 "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities", specifically, the use of the equipment certified through Executive Order by the California Air Resources Board to meet those requirements.
- ~~5.~~ 3. Gasoline includes means any petroleum distillate having a Reid vapor pressure of four (4) pounds per square inch or greater.

- ~~64.~~ Gasoline Dispensing Facility (GDF) ~~is~~ means a facility ~~which~~ that dispenses gasoline to the end user.
- ~~7.~~ ~~Leak Free means a liquid leak no greater than three (3) drops per minute. (Adopted 2/27/91)~~
85. Major GDF Modification means the modification of an existing GDF that makes it subject to the same requirements to which a new installation is subject. This includes any modification of the ~~phase~~ Phase I vapor control system that causes any part of an underground storage tank top to be ~~unburied~~ exposed, including the addition, replacement, or removal of any underground storage tank at the facility. Major GDF modification also includes 1) any modification to the ~~phase~~ Phase II vapor control system that involves the removal, addition or replacement of 50 percent or more of the buried vapor piping; or 2) addition or replacement of 50 percent or more of the buried product piping.
- ~~9.~~ ~~ORVR (Onboard Refueling Vapor Recovery) means a vehicle emission control system that captures fuel vapors from the vehicle gas tank during refueling. The gas tank and fill pipe are designed so that when refueling the vehicle, fuel vapors in the gas tank travel to an activated carbon packed canister, which adsorbs the vapor. When the engine is in operation, it draws the gasoline vapors into the engine intake manifold to be used as fuel.~~
- ~~106.~~ Phase I means gasoline vapor recovery from stationary tanks during the transfer of gasoline from delivery vehicles to stationary tanks used for re-fueling motor vehicles or equipment. It May ~~may~~ also be referred to as Stage I vapor recovery. (Adopted 2/27/91, Revised 10/22/97)
- ~~117.~~ Phase II means gasoline vapor recovery from vehicle fuel tanks during vehicle refueling operations from stationary tanks. It May ~~may~~ also be referred to as Stage II vapor recovery. (Adopted 2/27/91, Revised 10/22/97)
- ~~128.~~ Submerged Fill Pipe means any fill pipe of which the discharge opening ~~of which~~ is entirely submerged when the liquid level is six (6) inches or more above the bottom of the tank, or when applied to a tank ~~which~~ that is loaded from the side, submerged fill pipe ~~shall~~ means any fill pipe of which 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.
- ~~139.~~ Topping Off ~~means to an~~ attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically. The filling of those vehicle tanks which, because of the nature and configuration of the fill pipe, causes premature shut off of the dispensing nozzle, and which are filled only after the seal between the fill pipe and the nozzle is broken, shall not be considered topping off. (Adopted 2/27/91)
- ~~1410.~~ Vapor-Tight means a reading of less than 10,000 ppm, above background, as methane, when measured at a distance of one centimeter from the leak source with a portable hydrocarbon detection instrument. Background is defined as the ambient concentration of organic compounds determined at least three meters upwind from any equipment to be inspected and ~~which~~ that is uninfluenced by any specific emission permit unit. (Adopted 2/27/91)
- ~~15.~~ ~~Volatile Organic Compounds means any volatile compound containing carbon, with the exception of the following:~~

carbon monoxide	carbon dioxide
carbonic acid	metallic carbides
metallic carbonates	ammonium carbonate
methane	ethane
acetone	CFC 11
CFC 22	CFC 23
CFC 113	CFC 114
CFC 115	HCFC 123
HCFC 124	HCFC 141b
HCFC 142b	HFC 125
HFC 125a	HFC 134
HFC 134a	HFC 143a

Non-volatile organic materials are not considered VOC. (Revised 10/25/95)

SECTION C – STANDARDS: For the purpose of these regulations, the following standards shall apply:

1. GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS (PHASE I).

A person shall not transfer, permit the transfer, or provide equipment for the transfer of gasoline from any tank truck, trailer, or railroad tank car into any stationary storage container with a capacity of more than 950 liters (~~251~~250 gallons) unless all of the following requirements are met:

- a. Such container is equipped with a permanent submerged fill pipe, and
- b. A "District Approved Vapor Control System" is utilized, preventing the release to the atmosphere of not less than 95 percent by weight, of organic compounds in the vapors displaced. The displaced vapors shall be recovered by a vapor control system involving ~~both the storage container and the delivery vehicle~~ transfer of fuel from the distribution vehicle to the stationary storage vessel, and
- c. The system shall contain a "leak-free" and "vapor-tight" gasoline fill connector and vapor return line to the delivery vehicle of at least 7.6 cm. (3 inches-) nominal diameter, and
- d. The vapor control equipment at the facility shall be maintained in such a way that the vapor control system meets the specifications set forth in this section at all times, and
- e. ~~Each~~ Delivery vehicles shall be designed and maintained in a leak free and vapor-tight condition. A vapor laden vehicle may only be refilled at a facility equipped with a vapor control system ~~which~~ that meets the requirements contained in ~~Section 040.075~~ Section 040.075 of these regulations.
- f. ~~All~~ Phase I vapor recovery systems shall have a poppetted drybreak on the vapor return.
- g. All newly constructed ~~Phase I~~ GDFs or existing facilities subject to a major GDF modification, as defined in this regulation, shall be required to install, operate, and maintain a certified EVR Phase I vapor recovery system upon completion of

~~construction or modification.s shall have a two point configuration, which means that the system shall have a separate connection for liquid gasoline and a separate connection for vapor recovery. Newly constructed systems shall include, for the purposes of this regulation, all construction projects where one or more underground tanks are installed or replaced.~~

2. PHASE I EXEMPTIONS:

- a. ~~Storage tanks with a capacity of less than 251 gallons~~ not more than 250 gallons.
- b. ~~Storage tanks installed prior to the date of adoption of this regulation with an annual throughput of less than 60,000 gallons that were not previously equipped with Phase I vapor recovery.~~

~~3.~~ 3. GASOLINE TRANSFER INTO VEHICLE FUEL TANKS (PHASE II).

- a. Newly constructed or existing facilities subject to a major GDF modification, as defined in this regulation, shall be exempt from the requirements to install a Phase II vapor recovery system. If an owner/operator of a new facility prefers to install a Phase II vapor recovery system, the equipment must be installed in accordance with the certification requirements and manufacturer's specifications to ensure the equipment is maintained as leak-free and vapor-tight and in good working order.
- b. Owners/Operators of existing facilities previously equipped with Phase II vapor recovery systems may:
 - (1) Decommission the Phase II vapor recovery equipment upon completion of the installation of an EVR Phase I vapor control system; or
 - (2) Continue to operate the Phase II vapor recovery equipment in accordance with the certification requirements and manufacturer's specifications to ensure the equipment is maintained as "leak-free", "vapor-tight", and in good working order.

~~A person shall not transfer, permit transfer, or provide equipment for the transfer of gasoline from a stationary storage container to which gasoline has been transferred from another container subject to the provisions of paragraph C1, above, into any motor vehicle fuel tank of greater than 19 liters (5 gallons) capacity unless;~~

- a. ~~The dispensing unit used to transfer the gasoline from the stationary storage container to the motor vehicle fuel tank is equipped with a "District Approved Vapor Control System"; and~~
- b. ~~The vapor recovery system is operating in accordance with the manufacturer's specifications and shall be maintained to be "leak free", "vapor-tight", and in good working order; and~~

~~c. Equipment subject to this regulation is operated and maintained with none of the following defects:~~

~~(1) A nozzle boot which is torn in one or more of the following manners:~~

~~i. Triangular shaped or similar tear 1/2 inch or more to a side.~~

~~ii. A hole 1/2 inch or more in diameter.~~

~~iii. A slit 1 inch or more in length.~~

~~iv. Damaged face plate or flexible cone.~~

~~(2) Nozzle shut off mechanisms which malfunction in any manner.~~

~~(3) Vapor return lines (including such components as swivels, anti-recirculation valve, and underground piping) which malfunction or are blocked or restricted.~~

~~(4) A vapor processing unit which is inoperative.~~

~~Any tank may be opened for gauging or inspection when loading operations are not in progress provided that such tank is not pressurized.~~

~~The requirements of Section 040.080 do not apply to deliveries made to completely fill stationary tanks for the purpose of leak testing provided that such deliveries do not exceed 1,000 gallons at each facility.~~

~~c. Prohibition of use: Whenever the Control Officer determines that a Phase I or Phase II vapor recovery system or any component is not operating in compliance with thereof, as described by these regulations, the Control Officer shall mark such system or component "out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted, as necessary, and the Control Officer has re-inspected it or has authorized its use pending re-inspection.~~

~~4. PHASE II EXEMPTIONS:~~

~~a. Facilities with an annual throughput of less than 240,000 gallons of gasoline. Persons requesting such an exemption shall certify their eligibility annually and maintain adequate records as specified by the Control Officer.~~

~~b. Vehicle to vehicle refueling.~~

~~c. Facilities which exclusively refuel vehicles that are not motor vehicles as defined by the Nevada Revised Statute 482.135.~~

~~d. Any stationary tank with a fuel storage capacity of 1001 gallons or less.~~

~~e. Facilities which exclusively refuel fleets that are not comprised of at least 95% ORVR equipped vehicles. Persons requesting such an exemption shall provide documentation to the Control Officer on each of the fleet vehicles that may be serviced including the make, model year, gross vehicle weight, and the evaporation family code assigned to the ORVR system.~~

~~5. ENHANCED VAPOR RECOVERY (EVR) REQUIREMENTS~~

~~Facilities which are subject to the requirements of 040.080 C (3) of these regulations (Phase II vapor controls) shall be required to install equipment which meets the "Enhanced Vapor Recovery (EVR)" requirements, with the compliance dates and requirements for installation of this equipment as follows:~~

- ~~a. Gasoline Dispensing Facilities (GDFs) which undergo any major modification as defined in this regulation, shall be required to install Phase I vapor control equipment which is certified to meet the Phase I portion of the Enhanced Vapor Recovery (EVR) requirements for the entire facility upon completion of the modification.~~
- ~~b. All Gasoline Dispensing Facilities (GDFs) shall be exempt from requirements to install equipment which meets the Phase II portion of Enhanced Vapor Recovery (EVR) rules.~~

SECTION D – ADMINISTRATIVE REQUIREMENTS: For the purpose of these regulations, the following administrative requirements shall apply:

1. ~~**AUTHORITY TO CONSTRUCT REQUIREMENTS:**~~ Except as exempted in these regulations, a written Authority to Construct shall be required to construct, erect, alter or replace any equipment ~~which~~that may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. An Authority to Construct is not needed for routine operation and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc. All modifications, which are major GDF modifications as defined in these regulations, shall require an Authority to Construct permit.
2. ~~**BUILDING PERMIT ISSUANCE:**~~ No local government authority within the Health District may issue a building permit to any person who wishes to operate, construct, establish, or relocate or modify any stationary source ~~which~~that requires an authority to construct or permit to operate until the Authority to Construct or Permit to Operate has been issued by the Control Officer.
3. ~~**IMPLEMENTATION:**~~ A person shall not offer for sale, sell, or install within the Health District, any Phase I or Phase II vapor recovery equipment unless such equipment is "District Approved Vapor Control System" equipment. Such equipment shall also be approved by the appropriate local fire protection agency for the jurisdiction in which it is installed.
4. A person shall not install or modify Phase I ~~or Phase II~~ gasoline vapor recovery equipment, exclusive of repair or replacement of like parts, unless an Authority to Construct has been obtained pursuant to **Section 030.002**.
5. A person shall not operate or allow the operation of Phase I ~~or Phase II~~ gasoline vapor recovery equipment prior to the submission of a Registration Application and issuance of

a Permit to Operate from the District pursuant to **Section 030.200**.

6. A person shall not install or modify Phase II gasoline vapor recovery equipment, exclusive of repair or replacement of like parts, unless an Authority to Construct has been obtained pursuant to Section 030.002.

7. A person shall not operate or allow the operation of Phase II gasoline vapor recovery equipment prior to the submission of a Registration Application and issuance of a Permit to Operate from the District pursuant to Section 030.200.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. **RECORD REQUIREMENTS:** All ~~Gasoline Dispensing Facilities (GDFs)~~ shall keep records of the quantities and types of fuels sold or dispensed. ~~GDFs~~ seeking to comply with these regulations through one or more of the various exemptions provided for under these rules shall keep records sufficient to demonstrate that compliance and shall retain them for a period of at least 3 years.

Records to demonstrate that equipment installed in compliance with required Phase I ~~or Phase II~~ vapor controls is certified and approved for such applications shall ~~also~~ be maintained by the operator for a period of at least 3 years.

All ~~records~~ maintenance logs must be maintained as required above and shall be provided to the Control Officer upon request. The maintenance logs must be maintained by the operator for a period of at least 3 years.

2. **COMPLIANCE DEMONSTRATIONS:** The Control Officer may require the operator of a source to provide any applicable data to demonstrate compliance with the conditions of the Permit to Operate. Requested data must be provided in a timely manner, as specified by the Control Officer. Failure to provide this data as requested by the Control Officer constitutes a violation of the conditions of the Permit to Operate, and the affected source would be subject to a citation under these regulations, suspension of their Permit to Operate, or both.

All ~~Gasoline Dispensing Facilities (GDFs)~~ that install new equipment ~~which~~ that alters the Phase I or Phase II vapor systems such that a new Authority to Construct permit is required, shall have 30 calendar days to perform testing to show that the system has been properly installed. The specific procedures and standards to be used for each type of system test shall be established by the Control Officer.

3. **POSTING OF OPERATING INSTRUCTIONS:** The operator of each retail facility utilizing a Phase II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at the station, and shall include a warning that "Topping Off" may result in spillage or re-circulation of gasoline, and which is prohibited.

4. **COMPLIANCE SCHEDULE:** All new gasoline dispensing facilities, or those existing facilities commencing underground storage tank replacement ~~which~~ that receive an initial

building permit after July 1, 1991 shall be in compliance with the provisions of this rule at the time gasoline is first received or dispensed.

~~Any existing facilities which have been exempt under Subsection 040.080 C(2.) above, and later increase their annual throughput to an amount in excess of 240,000 gallons of gasoline, shall be required to install Phase II vapor controls in compliance with the provisions of this rule within one year of the date that the facility throughput exceeds the 240,000 gallon threshold. Once the annual throughput of 240,000 gallons has been exceeded, the facility can no longer be considered exempt under Subsection 040.080 C(2.).~~

~~Any existing facilities which have been required to install Phase II vapor controls under these regulations, and which later decrease their annual throughput to an amount less than 240,000 gallons, may not remove or disconnect the Phase II vapor controls.~~

DRAFT