

State of Utah
Administrative Rule Analysis
 Revised June 2022

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment ___; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Rule or Section Number:	R307-328	Filing ID: Office Use Only

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
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Contact persons:		
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Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R307-328. Gasoline Transfer and Storage
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The current rule does not adequately explain that vent pipes must be equipped with a pressure vacuum relief valve. EPA stage I vapor recovery guidance documents require all underground storage tanks to be equipped with pressure relief valves, but this requirement is not explicitly included in our rules.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The current rule requires owners or operators of gasoline storage tanks to install vapor control equipment. This amendment clarifies the requirement to include a pressure vacuum relief valve as part of the vapor control system and specifies the timing and appropriate method for testing.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The enforcement of this rule is not expected to create additional costs or savings for state government because these fuel storage tanks are already permitted and inspected under existing rules. Inspectors will be able to confirm compliance as part of normal inspection processes.
However, the Underground Storage Tank (UST) database lists 23 State of Utah Fleet tanks and 2 Utah Transit Authority tanks that have not been verified to have an installed pressure relief valve. If each of these tanks required installation of a new valve, the expected cost to state government would be between \$6,250 and \$12,500 for initial installation. The UST database lists a total of 47 tanks owned by the State Fleet and 3 owned by UTA. Each of these tanks could incur approximately \$150 in testing costs every 3 years, resulting in a maximum additional fiscal impact of \$7,500 over a three-year period.
The actual fiscal impact from these changes is unknown, and not estimated in the tables below, because the status of many tanks is unknown and owners would have some discretion over when to absorb testing costs.
B) Local governments:
The UST database lists 14 underground storage tanks owned by local government entities that have not been verified to have an installed pressure relief valve. If each of these tanks required installation of a new valve, the expected cost to local governments would be between \$3,500 and \$7,000 for initial installation. The database lists 36 tanks owned by 13 local government entities overall, and each of these tanks could incur approximately \$150 in testing costs every 3 years, resulting in a maximum additional impact of \$5,400 on local governments from this rule.

The actual fiscal impact from these changes is unknown, and not estimated in the tables below, because the status of many tanks is unknown and owners would have some discretion over when to absorb testing costs.

C) Small businesses ("small business" means a business employing 1-49 persons):

There are approximately 164 businesses in the UST database owning/operating 2,514 underground storage tanks across the state. The database contains no information indicating company size, therefore the proportion of these businesses with fewer than 50 employees is unknown, but is estimated to be small based on the following analysis: 1) the 6 largest businesses own/operate 1,122 (43%) of registered USTs in the state; 2) of 164 businesses listed, 134 operate tanks in two or more locations; and 3) many of the remaining 30 are identifiable as ski resorts, construction companies, moving companies, or other companies that do not sell gasoline but are clearly not small businesses.

Of the 2,514 tanks operated by businesses, 1,905 tanks are known to have a pressure vacuum relief valve installed (76%). The remaining 609 tanks (24%) either do not have a pressure relief valve installed or are missing this information in the database. The cost of a new valve is between \$250 and \$500. Assuming each tank requires installation of a new valve, the expected cost to small and non-small businesses would be between \$162,000 and \$324,000 for initial installation. The rule also requires valves to be tested once every 3 years at a cost of approximately \$150. The testing requirement would apply to all 2,514 tanks, resulting in an additional impact of \$377,100 over a 3-year period.

The actual fiscal impact from these changes is unknown, and not estimated in the tables below, because the status of many tanks is unknown and owners would have some discretion over when to absorb testing costs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are approximately 164 businesses in the UST database owning/operating 2,514 underground storage tanks across the state. The database contains no information indicating company size, therefore the proportion of these businesses with fewer than 50 employees is unknown, but is estimated to be small based on the following analysis: 1) the 6 largest businesses own/operate 1,122 (43%) of registered USTs in the state; 2) of 164 businesses listed, 134 operate tanks in two or more locations; and 3) many of the remaining 30 are identifiable as ski resorts, construction companies, moving companies, or other companies that do not sell gasoline but are clearly not small businesses.

Of the 2,514 tanks operated by businesses, 1,905 tanks are known to have a pressure vacuum relief valve installed (76%). The remaining 609 tanks (24%) either do not have a pressure relief valve installed or are missing this information in the database. The cost of a new valve is between \$250 and \$500. Assuming each tank requires installation of a new valve, the expected cost to small and non-small businesses would be between \$162,000 and \$324,000 for initial installation. The rule also requires valves to be tested once every 3 years at a cost of approximately \$150. The testing requirement would apply to all 2,514 tanks, resulting in an additional impact of \$377,100 over a 3-year period.

The actual fiscal impact from these changes is unknown, and not estimated in the tables below, because the status of many tanks is unknown and owners would have some discretion over when to absorb testing costs.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule is not expected to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

For tanks with existing pressure relief valves, the cost of compliance would be approximately \$150 every 3 years. For tanks without pressure relief valves, the initial cost of compliance would be between \$250 and \$500 plus an additional \$150 for testing every 3 years.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 Ex: The _____ of _____, _____, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

19-2-104		

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):
A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 12/30/2022

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
12/28/2022 The scheduled hearing will be canceled if no request is received.	1:00 pm	Video call link: https://meet.google.com/zfd-dwes-ogo Or dial: (US) +1 515-612-7345 PIN: 148 306 206#

9. This rule change MAY become effective on: 02/02/2023
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Bryce C. Bird	Date:	11/02/2022
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R307-328. Gasoline Transfer and Storage.

R307-328-1. Purpose.

The purpose of Rule R307-328 is to establish ~~Reasonably Available Control Technology (RACT) for~~ requirements for the control of gasoline vapors during the filling of gasoline cargo tanks and storage tanks ~~in Utah~~. The rule is based on federal control technique guidance documents. ~~These~~ ~~is~~ requirements ~~is~~ ~~are~~ commonly referred to as stage I vapor recovery.

R307-328-2. Applicability.

- (1) Gasoline ~~C~~ cargo ~~T~~ tanks. Rule R307-328 applies to the owner or operator of any gasoline cargo tank that loads or unloads gasoline in Utah.
- (2) Gasoline ~~D~~ dispensing. Rule R307-328 applies to the owner or operator of any bulk terminal, bulk plant, stationary storage container, or service station located in Utah that dispenses 10,000 gallons or more in any one calendar month.
- (3) ~~This rule applies to all gasoline cargo tanks and gasoline dispensing facilities that operate within Utah according to the compliance schedule defined in section 328-9 of this rule.~~ Subsections R307-328-5(3)(c) applies to gasoline service stations located in Utah.
- (4) ~~All~~ References to 40 CFR in Rule R307-328 shall mean the version of the Code of Federal Regulations that is effective as of the date referenced in Section R307-101-3.

R307-328-3. Definitions.

The following additional definitions apply to Rule R307-328.

“Bottom ~~F~~ filling” means the filling of a tank through an inlet at or near the bottom of the tank designed to have the opening covered by the liquid after the pipe normally used to withdraw liquid can no longer withdraw any liquid.

“Submerged ~~F~~ fill ~~P~~ pipe” means any fill pipe with a discharge opening ~~which~~ that is entirely submerged when the liquid level is 6 inches above the bottom of the tank and the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

“Gasoline cargo tank” means gasoline cargo tank as defined in 40 CFR 63.421 that is ~~hereby~~ incorporated by reference.

R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

- (1) No person shall load or permit the loading of gasoline into any gasoline cargo tank unless the emissions from such vehicle are controlled by use of a vapor collection and control system and submerged or bottom filling. ~~RACT shall be required and in no case shall v~~ Vapor emissions to the atmosphere shall not exceed 0.640 pounds per 1,000 gallons transferred.
- (2) Such vapor collection and control system shall be properly installed and maintained.
- (3) The loading device shall not leak.
- (4) The loading device shall utilize the dry-break loading design couplings and shall be maintained and operated to allow no more than an average of 15 cc drainage per disconnect for 5 consecutive disconnects.
- (5) ~~All~~ Loading and vapor lines shall be equipped with fittings which make a vapor tight connection and shall automatically close upon disconnection to prevent ~~the~~ release of ~~the~~ organic material.
- (6) A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads (~~bulk plant~~) need not comply with Section R307-328-4 if it does not have a daily average throughput of more than 3,900 gallons ~~or~~ ~~(15,000 or more liters)~~ of gasoline based upon a 30-day rolling average. Such installations shall on-load and off-load gasoline by use of bottom or submerged filling. The emission limitation is based on operating procedures and equipment specifications using Reasonably Available Control Technology as defined in EPA documents EPA 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December 1977, "Control of Volatile Organic Emissions from Bulk Gasoline Plants." The design effectiveness of such equipment and the operating procedures must be documented and submitted to and approved by the director.
- (7) Hatches of gasoline cargo tanks shall not be opened at any time during loading operations except to avoid emergency situations or during emergency situations. Pressure relief valves on storage tanks and gasoline cargo tanks shall be set to release at the highest possible pressure, in accordance with State or local fire codes and National Fire Prevention Association guidelines. Pressure in the vapor collection system shall not exceed the gasoline cargo tank pressure relief setting.
- (8) Each owner or operator of a gasoline storage or dispensing installation shall conduct testing of vapor collection systems used at such installation and shall maintain records of ~~all~~ tests for no less than two years. Testing procedures of vapor collection systems shall be approved by the director and shall be consistent with the procedures described in the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051.
- (9) Semi-annual testing shall be conducted and records maintained of such test. The frequency of tests may be altered by the director upon submittal of documentation ~~which~~ that would justify a change.
- (10) The vapor collection and vapor processing equipment shall be designed and operated to prevent gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and prevent vacuum from exceeding 6 inches of water. During testing and monitoring, there shall be no reading greater than or equal to 100~~percent~~% of the lower explosive limit measured at 1.04 inches around the perimeter of a potential leak source as detected by a combustible gas detector. Potential leak sources include~~, but are not limited to,~~ piping, seals, hoses, connections, pressure or vacuum vents, and vapor hoods. In addition, no visible liquid leaks are permitted during testing or monitoring.

R307-328-5. Stationary Source Container Loading.

- (1) No person shall transfer or permit the transfer of gasoline from any gasoline cargo tank into any stationary storage container with a capacity of 250 gallons or greater unless such container is equipped with a submerged fill pipe that extends to no more than ~~twelve~~ 12 inches from the bottom of the storage tank for fill pipes installed on or before November 9, 2006, and no more than six inches ~~from~~ from the bottom of the storage tank for fill pipes installed after November 9, 2006, and at least 90~~percent~~% of the gasoline vapor, by weight, displaced during the filling of the stationary storage container is prevented from being released to the atmosphere. This requirement shall not apply to:
 - (a) the transfer of gasoline into any stationary storage container of less than 550 gallons used primarily for the fueling of implements of husbandry if such container is equipped with a permanent submerged fill pipe;
 - (b) the transfer of gasoline into any stationary storage container having a capacity of less than 2,000 gallons which was installed ~~prior to~~ before January 1, 1979, if such container is equipped with a permanent submerged fill pipe;
 - (c) the transfer of gasoline to storage tanks equipped with floating roofs or their equivalent which have been approved by the director.

(2) The 90~~percent~~% performance standard of the vapor control system shall be based on operating procedures and equipment specifications. The design effectiveness of such equipment and the operating procedure must be documented and submitted to and approved by the director.

(3) Each owner or operator of a gasoline storage tank or the owner or operator of the gasoline cargo tank subject to Subsection (1) ~~[above]~~ shall install vapor control equipment, which includes~~[-, but is not limited to]:~~

(a) vapor return lines and connections sufficiently free of restrictions to allow transfer of vapor to the gasoline cargo tank or to the vapor control system, and to achieve the required recovery;

(b) a means of assuring that the vapor return lines are connected to the gasoline cargo tank, or vapor control system, and storage tank during tank filling;

(i) gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and vacuum from exceeding six inches of water.

(c) ~~[restrictions in the storage tank shall be equipped with]~~ a pressure vacuum relief valve on the vent line of each storage tank ~~[designed and operated]~~ to prevent~~[-~~

~~_____~~ ~~(j)~~ the release of gasoline vapors to the atmosphere during normal operation. The pressure vacuum relief valve shall be set to open at eight oz. per square inch or greater pressure and four oz. per square inch or greater vacuum. The pressure relief valve shall be tested initially and every three years thereafter using the California Air Resources Board Test Procedure 201.1E. Test records shall be submitted to the director.

~~[(ii) gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and vacuum from exceeding 6 inches of water.]~~

R307-328-6. Gasoline Cargo Tank.

(1) Gasoline cargo tanks must be designed and maintained to be vapor tight during loading and unloading operations as well as during transport, except for normal pressure venting required under United States Department of Transportation Regulations.

(2) The design of the vapor recovery system shall be such that when the gasoline cargo tank is connected to an approved storage tank vapor recovery system or loading terminal, 90% vapor recovery efficiencies are realized. The connectors of the gasoline cargo tanks shall be compatible with the fittings on the fill pipes and vapor vents at the storage containers and gasoline loading terminals where the gasoline cargo tank will service or be serviced. Adapters may be used to achieve compatibility.

(3) No person shall knowingly allow the introduction of gasoline into, dispensing of gasoline from, or transportation of gasoline in a gasoline cargo tank that does not meet the leak tight testing requirements of Section R307-328-7.

(4) A vapor-laden gasoline cargo tank may be refilled only at installations equipped to recover, process, or dispose of vapors. Gasoline cargo tanks that only service locations with storage containers specifically exempted from the requirements of Section R307-328-5 need not be retrofitted to comply with Subsections R307-328-6(1) through [-(3)] above, provided such gasoline cargo tanks are loaded through a submerged fill pipe or equivalent equipment provided the design and effectiveness of such equipment are documented and submitted to and approved by the director.

R307-328-7. Vapor Tightness Testing.

(1) Gasoline cargo tanks and their vapor collection systems shall be tested annually for leakage in accordance with the test methods and vapor tightness standards in 40 CFR 63.425(e) which are ~~[hereby]~~ incorporated by reference.

(2) Each owner or operator of a gasoline cargo tank shall have documentation in their possession demonstrating that the gasoline cargo tank has passed the annual test in Subsection (1) ~~[above]~~ within the preceding ~~[twelve]~~ 12 months.

(3) The vapor tightness documentation described in Subsection (2), as well as record of any maintenance performed, shall be retained by the owner or operator of the gasoline cargo tank for a two-year period and be available for review by the director or the director's representative.

(4) The owner or operator of a railcar gasoline cargo tank may use the testing, recordkeeping, and reporting requirements in 40 CFR 63.425(i), ~~which[that]~~ is ~~[hereby]~~ incorporated by reference~~[-]~~ as an alternative to the annual testing requirements in Subsections (1) through (3) ~~[above]~~.

R307-328-8. Alternate Methods of Control.

(1) Any person may apply to the director for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by Rule R307-328, or that the alternate test method is equivalent to that required by Rule R307-328 ~~[these rules]~~. The director shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testing[s] of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60~~[-, the most recent EPA test methods,]~~ or other EPA-approved methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by Rule R307-328 shall be maintained by the owner or operator for a minimum of ~~[2]~~ two years and shall be made available to the director or the director's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning~~[-]~~ unless otherwise approved by the director.

(3) For purposes of determining compliance with emission limits, volatile organic compounds and nitrogen oxides will be measured by the test methods identified in federal regulations or approved by the director. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-328-9. Compliance Schedule.

(1) Effective May 1, 20~~00~~23, facilities subject to this rule ~~[Facilities located in Davis, Salt Lake, Utah, and Weber Counties]~~ shall be in compliance with this rule.

~~_____~~ ~~(2) All other facilities located in Utah, shall be in compliance with this rule according to the following phase in schedule:~~

~~_____~~ ~~(a) Facilities located in Box Elder, Cache, Tooele and Washington Counties shall be in compliance with this rule by April 30, 2009.~~

~~_____~~ ~~(b) Facilities located in Emery, Iron, Juab, Millard, Sevier, Summit and Uintah Counties shall be in compliance with this rule by April 30, 2010.~~

~~_____~~ ~~(c) All facilities located in Utah shall be in compliance with this rule by April 30, 2011.~~

~~_____~~ ~~(3) If this implementation schedule results in a scheduling and/or financial hardship for an individual facility, that facility may request a six-month extension from the director. A maximum of two six-month extensions may be granted. Regardless of extension requests submitted, all facilities must be in compliance with this rule not later than April 30, 2011.~~

~~_____~~ ~~(4) A request for an extension must be documented and contain valid reasons why a facility will not be able to meet the phase in schedule indicated in (2)(a) or (b) above. A late start on preparation or planning is not a valid reason to grant an extension. The request for extension must also contain a proposed implementation schedule that shows compliance to this rule at the earliest possible date, but no later than April 30, 2011.~~

_____ (5) The vapor tightness testing standard in R307-328-7(1) shall apply to tests conducted after June 7, 2011. All gasoline cargo tanks shall be tested using the vapor tightness testing standard in R307-328-7(1) by June 7, 2012.]

R307-328-10. Authorized Contractors.

(1) [All m] Modifications performed on underground storage tanks regulated by Title 19, Chapter 6, Part 4, the Utah Underground Storage Tank Act, ~~to bring them into compliance with R307-328,~~ shall be performed by contractors certified under R311-201 to bring these underground storage tanks into compliance with Rule R307-328.

KEY: air pollution, gasoline transport, ozone

Date of Last Change: October 19, 2021

Notice of Continuation: December 1, 2021

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)