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OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER III. AIR RESOURCES
SUBCHAPTER A. PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION
PART 229. PETROLEUM AND VOLATILE ORGANIC LIQUID STORAGE AND TRANSFER

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229.1 Applicability and compliance.

(a) The owner or operator of a gasoline bulk plant, gasoline loading terminal, marine loading vessel, petroleum liquid storage tank or volatile organic liquid storage tank which meets the current applicability criteria must submit a permit to construct or a certificate to operate prior to commencing construction and/or operation of the process, as required by Part 201 of this Title, which includes the method or methods which will be used to comply with the control requirements of this Part.

(b) The owner or operator of the following types of sources located at facilities in the New York City metropolitan area which emit volatile organic compounds must comply with this Part according to the following schedule:

(1) Existing requirements:

(i) any petroleum liquid fixed roof tank with a capacity of 40,000 gallons or more must have demonstrated compliance with the requirements of this Part by October 1, 1982;

(ii) any petroleum liquid external floating roof tank with a capacity of 40,000 gallons or more must have been in compliance with the requirements of this Part by January 11, 1986;

(iii) any gasoline bulk plant must have been in compliance with the requirements of this Part by July 1, 1982; and

(iv) any gasoline loading terminal must have been in compliance with the requirements of this Part by July 1, 1982.

(2) New requirements:

(i) any volatile organic liquid fixed roof tank with capacities greater than or equal to 20,000 gallons with a maximum true vapor pressure greater than or equal to 4.0 psia up to and including tanks with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.0 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and control requirements of section 229.3(e)(1) of this Part;

(ii) any volatile organic liquid external floating roof tank with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.5 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2) of this Part;

(iii) any volatile organic liquid storage tank with a capacity greater than 10,000 gallons but less than 20,000 gallons located at a facility with annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 25 tons or greater must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(iv) of this Part;

(iv) any volatile organic liquid storage tank with a capacity less than 10,000 gallons located at a facility with an annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 25 tons or greater must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(v) of this Part;

(v) any marine vessel loading facility which loads petroleum liquids to a marine delivery vessel at a gasoline loading terminal must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(f) of this Part;

(vi) any process described in subparagraph (i)-(v) of this paragraph constructed after March 1, 1993 which meets the current applicability criteria of this subdivision must demonstrate compliance upon start-up.

(c) The owner or operator of the following types of sources located at facilities in the Lower Orange County metropolitan area must comply with this Part according to the following schedule:

(1) Existing requirements:

(i) any petroleum liquid fixed roof tank with a capacity of 40,000 gallons or more located at a facility with annual potential to emit volatile organic compounds of 100 tons or more must have been in compliance with the requirements of this Part by October 1, 1982;

(ii) any petroleum liquid external floating roof tank with a capacity of 40,000 gallons or more with an annual potential to emit volatile organic compounds of 100 tons or more must have been in compliance with the requirements of this Part by January 11, 1986;

(iii) any gasoline bulk plant with an average daily throughput of 20,000 gallons or less must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(c) of this Part;

(iv) any gasoline loading terminal with an average daily throughput of 40,000 gallons or more of gasoline must have been in compliance with the requirements of this Part by July 1, 1982.

(2) New requirements:

(i) any petroleum liquid fixed roof storage tank with a capacity of 40,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(a) of this Part;

(ii) any petroleum liquid external floating roof storage tank with a capacity of 40,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(b) of this Part;

(iii) any gasoline bulk plant with an average daily throughput of 20,000 gallons or less must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(c) of this Part;

(iv) any gasoline loading terminal with an average daily throughput of 20,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(d) of this Part;

(v) any volatile organic liquid fixed roof storage tank with capacities greater than or equal to 20,000 gallons with a maximum true vapor pressure greater than or equal to 4.0 psia up to and including tanks with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.0 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3 (e)(1) of this Part;

(vi) any volatile organic liquid external floating roof tank with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.5 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(i)-(iii) of this Part, as appropriate;

(vii) any volatile organic liquid storage tank with a capacity greater than 10,000 gallons but less than 20,000 gallons located at a facility with annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 25 tons or greater must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(iv) of this Part;

(viii) any volatile organic liquid storage tank with a capacity less than 10,000 gallons located at a facility with an annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 25 tons or greater must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(v) of this Part; and

(ix) any marine delivery vessel loading facility which loads petroleum liquids to a marine delivery vessel at a gasoline loading terminal must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(f) of this Part;

(x) any process described in subparagraphs (i)-(ix) of this paragraph which is constructed after March 1, 1993 and meets the current applicability criteria of this subdivision must demonstrate compliance upon start-up.

(d) The owner or operator of any of the following types of sources located at facilities in other than the New York City metropolitan area or the Lower Orange County metropolitan area which were designated as nonattainment areas for ozone on or after August 23, 1979, which includes the counties of Albany, Cayuga, Columbia, Dutchess, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Onondaga, Ontario, Orange county (excluding the towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury), Orleans, Putnam, Rensselaer, Saratoga (limited to the towns of Clifton Park and Halfmoon, the City of Mechanicville, and the town and village of Waterford), Schenectady, Seneca, Ulster, Wayne, Wyoming or Yates, must comply with this Part according to the following schedule:

(1) Existing requirements:

(i) any petroleum liquid fixed roof storage tank with a capacity of 40,000 gallons or more located at a facility with annual potential to emit volatile organic compounds of 100 tons or more must have been in compliance with the requirements of

this part by October 1, 1982;

(ii) any petroleum liquid external floating roof storage tank with a capacity of 40,000 gallons or more must have been in compliance with the requirements of this Part by January 11, 1986;

(iii) any gasoline bulk plant with an average daily throughput of 40,000 gallons of gasoline or less must have been in compliance with the requirements of this Part by July 1, 1982;

(iv) any gasoline loading terminal with an average daily throughput of greater than 40,000 gallons of gasoline or with an emission rate potential of volatile organic compounds of 100 tons or more must have been in compliance with the requirements of this Part by July 1, 1982.

(2) New requirements:

(i) any petroleum liquid fixed roof storage tank with a capacity of 40,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(a) of this Part;

(ii) any petroleum liquid external floating roof storage tank with a capacity of 40,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(b) of this Part;

(iii) any gasoline bulk plant with an average daily throughput of 20,000 gallons or less must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(c) of this Part;

(iv) any gasoline loading terminal with an annual throughput of 20,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(d) of this Part;

(v) any volatile organic liquid fixed roof storage tank with capacities greater than or equal to 20,000 gallons with a maximum true vapor pressure greater than or equal to 4.0 psia up to and including tanks with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.0 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(1) of this Part;

(vi) any volatile organic liquid external floating roof tank with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.5 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(i)-(iii) of this Part, as appropriate;

(vii) any volatile organic liquid storage tank with a capacity greater than 10,000 gallons but less than 20,000 gallons located at a facility with annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 50 tons or greater must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(iv) of this Part;

(viii) any volatile organic liquid storage tank with a capacity less than 10,000 gallons located at a facility with an annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 50 tons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(v) of this Part;

(ix) any marine vessel loading facility which loads petroleum liquids to a marine delivery vessel at a gasoline loading terminal must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(f) of this Part; and

(x) any process described in subparagraphs (i)-(ix) of this paragraph which is constructed after March 1, 1993 and meets the current applicability criteria of this subdivision must demonstrate compliance upon start-up.

(e) The owner or operator of the following types of sources located at facilities in other than the areas listed in subdivision (a), (b) or (c) of this section must comply with this Part according to the following schedule:

(1) any petroleum liquid fixed roof storage tank with a capacity of 40,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(a) of this Part;

(2) any petroleum liquid external floating roof storage tank with a capacity of 40,000 gallons or more must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(b) of this Part;

(3) any gasoline bulk plant must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(c) of this Part;

(4) any gasoline loading terminal must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(d) of this Part;

(5) any volatile organic liquid fixed roof storage tank with capacities greater than or equal to 20,000 gallons with a maximum true vapor pressure greater than or equal to 4.0 psia up to and including tanks with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.0 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(1) of this Part;

(6) any volatile organic liquid external floating roof tank with capacities greater than or equal to 40,000 gallons with a maximum true vapor pressure greater than or equal to 1.5 psia must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(i)-(iii) of this Part, as appropriate;

(7) any volatile organic liquid storage tank with a capacity greater than 10,000 gallons but less than 20,000 gallons located at a facility with annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 50 tons or greater must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(iv) of this Part;

(8) any volatile organic liquid storage tank with a capacity less than 10,000 gallons located at a facility with an annual potential to emit volatile organic compounds from all sources regardless of process type, but excluding combustion installations, of 50 tons or greater must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(e)(2)(v) of this Part;

(9) any marine vessel loading facility which loads petroleum liquids to a marine delivery vessel at a gasoline loading terminal must meet the requirements of the compliance schedule in subdivision (g) of this section and the control requirements of section 229.3(f) of this Part; and

(10) any process described in paragraphs (1)-(9) of this subdivision which is constructed after March 1, 1993 and meets the current applicability criteria of this subdivision must demonstrate compliance upon start-up.

(f) This Part shall not apply to:

(1) pressurized fixed roof tanks which are capable of maintaining a working pressure at all times to prevent emissions of volatile organic compound to the outdoor atmosphere;

(2) external floating roof tanks which are of welded construction and are equipped with a metallic-type shoe primary seal and a secondary seal from the top of the shoe seal to the tank wall;

(3) external floating roof tanks which are used for the storage of a petroleum or volatile organic liquid with a true vapor pressure less than 4.0 psia (27.6kPa), are of welded construction and are equipped with one of the following:

(i) a metallic-type shoe seal;

(ii) a liquid-mounted foam seal;

(iii) a liquid-mounted liquid-filled type seal; or

(iv) equivalent control equipment or device;

(4) horizontal petroleum or volatile organic liquid storage tanks;

(5) petroleum or volatile organic liquid storage tanks storing waxy, heavy crudes, vessels storing crude oil or condensate prior to custody transfer, or vessels located at bulk gasoline plants controlled by a vapor balance system; and

(6) volatile organic liquid storage tanks subject to Part 233 of this Title.

(g) Compliance schedule.

The owner or operator of processes subject to this Part must:

(1) submit a permit to construct or certificate to operate for sources previously exempted by Part 201 of this Title to the Department of Environmental Conservation by May 15, 1993;

(2) submit a compliance plan to the Department of Environmental Conservation by November 15, 1993, which contains a schedule of the steps necessary for the facility to achieve compliance with this Part or reduce its annual potential to emit below the applicability criteria and the dates by which each step will be completed;

(3) marine vessel loading facilities must be in compliance with this Part or reduce its daily throughput below the applicability criteria by November 15, 1994;

(4) all other sources must be in compliance with this Part or have had its permits modified to limit its annual potential to emit below the applicability criteria by June 1, 1995; and

(5) the sources must maintain the VOC control requirements included in any existing permit, regulation, rule, administrative order, or any judicial order until compliance with the provisions of this Part is demonstrated to the satisfaction of the commissioner.

(h) Any owner or operator of gasoline bulk plant, gasoline loading terminal, marine loading vessel, petroleum liquid storage tank or volatile organic liquid storage tank, which are not regulated by this Part must comply with all other applicable Parts of this Subchapter.

Current through September 15, 2020

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