

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 13 Control of Gasoline and Volatile Organic Compound Storage and Handling

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Bulk gasoline plant" means a gasoline storage and distribution facility with a maximum daily throughput of 20,000 gallons (75,500 liters) or less which receives gasoline from bulk terminals, stores it in tanks, then dispenses the gasoline via trucks to local farms, businesses, and gasoline dispensing facilities.

(2) "Bulk gasoline terminal" means a gasoline storage facility with a minimum daily throughput greater than 20,000 gallons (75,500 liters) which receives gasoline by pipeline, ship, or barge and delivers gasoline to bulk gasoline plants or to commercial or retail accounts by tank truck.

(3) "External floating roof" means a double deck or a pontoon single deck cover in an open top tank which rests upon, and is supported by, the liquid being contained.

(4) "Gasoline" means a petroleum distillate or alcohol, or their mixtures, having a true vapor pressure within the range of 1.5 to 11 pounds per square inch absolute (psia) (10.3 to 75.6 kilonewtons/square meter) that is used as fuel for internal combustion engines or aircraft.

(5) "Gasoline leak" means a reading equal to or greater than 100 percent of the lower explosive limit measured as propane at a distance of 1 inch from any point on the perimeter of a potential leak source.

(6) "Internal floating roof" means a double deck or a pontoon single deck cover which rests upon and is supported by the liquid being contained in a closed top tank.

(6-1) "Marine vessel" means any tank ship or barge that transports volatile organic compounds (VOCs) in bulk as cargo.

(7) "Motor vehicle" means a vehicle registered with the Maryland Motor Vehicle Administration or the equivalent agency of any other state.

(8) "Pipeline breakout station" means a facility that receives gasoline from a main pipeline and distributes the gasoline by smaller spur pipelines to bulk gasoline terminals.

(9) "Primary seal" means a continuous seal in a storage tank that extends from a floating roof to the tank wall to prevent the escape of vapors into the atmosphere.

(10) "Secondary seal" means a continuous seal in a storage tank that extends from the floating roof to the tank wall covering the entire primary seal.

(11) "Tank truck" means a truck or trailer equipped with storage tanks and used for the transport of gasoline or volatile organic compounds (VOC) from sources of supply to stationary storage tanks.

(12) "Vapor balance system" means coaxial or dual piping that creates a closed system between a tank truck and a stationary storage tank and contains the vapors during the transfer of gasoline.

(13) "Vapor control system" means any piping, hoses, equipment, and devices that collect and process gasoline or VOC vapor, using a vapor processing system.

(14) "Vapor processing system" means any equipment used for recovering or oxidizing VOC vapors.

.02 Applicability and Exemptions.

A. A source which is subject to the provisions of this chapter is also subject to the provisions of any other chapter. However, when this chapter establishes an emission standard for a specific installation which differs from the general emission standard in COMAR 26.11.01—.09, this chapter takes precedence.

B. This chapter applies throughout the State. The NSPS requirements under 40 CFR Part 60, Subpart K (effective June 11, 1973), Subpart Ka (effective May 18, 1978), Subpart Kb (effective July 23, 1984), and Subpart XX apply throughout the State.

C. Exemptions for Large Storage Tanks.

(1) A welded tank is exempt from the secondary seal requirements of Regulation .03B(2)(a) of this chapter if it contains gasoline or VOC with a TVP less than 4 psia (2.75 kilonewton/square meter) and has a primary seal.

(2) The secondary seal requirements under Regulation .03A(1)(b)(i) of this chapter do not apply if the storage tank is equipped with a liquid mounted seal.

D. The provisions of this chapter do not apply to the filling of a motor vehicle's fuel tank.

E. If a source becomes subject to any requirement in this chapter because it exceeds a regulation applicability level, the source shall continue to be subject to all applicable requirements, regardless of whether future throughput is below the regulation threshold.

.03 Large Storage Tanks.

A. Closed Top Tanks.

(1) Equipment Requirements. A person may not place or store gasoline or VOC having a TVP between 1.5 psia (10.3 kilonewton/square meter) and 11 psia (75.6 kilonewton/square meter), inclusive, in any closed top tank with a capacity of 40,000 gallons (151,400 liters) or greater unless the:

(a) Tank's gauging and sampling devices are gas tight except when in use; and

(b) Tank is equipped with one of the following properly installed, operating, and well maintained emission control systems:

(i) An internal floating roof equipped with a primary and secondary seal;

(ii) A pressure tank system that maintains a pressure at all times to prevent loss of vapors to the atmosphere; or

(iii) A vapor control system capable of collecting the vapors from the tank and disposing of these vapors to prevent their emission to the atmosphere.

(2) Seal Requirements.

(a) There shall be no visible holes, tears, or other openings in a seal or seal fabric.

(b) Each seal shall be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.

(c) The accumulated area of the gaps between the secondary seal and the tank wall and between the seal and other obstructions inside the tank (that is, ladder, roof supports) that are greater than 1/8 inch in width may not exceed 1.0 square inch per foot of tank diameter.

(d) The secondary seal requirement in §A(1)(b) of this regulation is waived until completion of an internal inspection as required in §A(3)(b) and (c) of this regulation. However, the secondary seal shall be installed not later than 5 years after the effective date of this regulation.

(3) Inspection Requirements. A person owning a gasoline or VOC storage tank subject to §A(1)(b)(i) of this regulation shall:

(a) Perform an annual visual inspection of the internal floating roof and seals from the roof hatch and record the findings;

(b) If the visual inspection shows noncompliance with the seal requirements in §A(2)(a) and (b) of this regulation, or liquid gasoline or VOC on the roof, perform an internal inspection of the floating roof and seals;

(c) After installing the secondary seal as required in §A(2)(d) of this regulation, conduct an internal inspection of each tank and its seals within 10 years from the date of the last internal inspection; and

(d) Notify the Department of an intended internal tank inspection at least 15 days before the proposed inspection date.

(4) Inspection Procedures. A person owning or operating a gasoline or VOC storage tank shall determine the total seal gap by summing the areas of the individual gaps. The lengths and widths of the gaps are measured by passing a 1/8 inch diameter probe between the seal and the tank wall and other obstructions in the tank. (The probe should move freely without forcing or binding against the seal.)

B. Open Top Tanks.

(1) Applicability.

(a) The use of open top tanks is prohibited for gasoline or VOC having a TVP exceeding 11 psia (75.6 kilonewton/square meter).

(b) Open top storage tanks at pipeline breakout stations are exempt from the secondary seal requirements in §B(2)(a) of this regulation.

(2) Equipment Requirements. A person may not place or store gasoline or VOC having a TVP of 1.5 psia (10.3 kilonewton/square meter) or greater in any open top tank with a capacity of 40,000 gallons (151,400 liters) or greater unless it is equipped with a properly installed and maintained external floating roof that meets all the following requirements:

(a) The external floating roof shall be equipped with a primary and secondary seal.

(b) Openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, shall be equipped with a projection below the liquid surface. The opening with projections shall also be equipped with a cover, seal, or lid, which shall be maintained in a closed position at all times, except when the device is in actual use.

(c) Automatic bleeder vents shall be closed at all times except when the roof is resting on the roof supports. Rim vents shall be set to the open position when the roof is being floated off the leg supports or at the manufacturer's recommended setting.

(d) Roof drains shall be provided with a slotted membrane fabric or equivalent cover that encapsulates at least 90 percent of the area of the drain opening.

(3) Seal Requirements.

(a) There shall be no visible holes, tears, or other openings in a seal or seal fabric.

(b) Each seal shall be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.

(c) The accumulated area of the gaps between the secondary seal and the tank wall that are greater than 1/8 inch in width may not exceed 1.0 square inch per foot of tank diameter.

(4) Inspection Requirements. A person who owns or operates an open top gasoline or VOC storage tank shall meet all of the following requirements:

(a) Perform semiannual routine visual inspections of the primary and secondary seals.

(b) Once a year, determine the total secondary seal gap by summing the areas of the individual gaps between the secondary seal and the tank wall over the entire circumference of the tank. The lengths and widths of the gaps are measured by passing a 1/8 inch uniform diameter probe between the seal and tank wall. (The probe shall move freely without forcing or binding against the seal.)

(c) Notify the Department of an intended tank inspection at least 15 days before the proposed inspection date.

(5) Requirements for Pipeline Breakout Stations. A person may not transfer gasoline through an open top gasoline storage tank at a pipeline breakout station unless the vapor space between the floating roof and the tank bottom is reduced to less than or equal to 20 inches (0.457 meter) in height.

C. Record Keeping for Large Storage Tanks. The owner or operator shall:

(1) Record the results of all inspections of floating roofs and seals;

(2) Record all repairs or replacement of the seals, and include in the record the date and the action taken;

(3) For each tank, record the average monthly storage temperature and throughput; and

(4) Maintain all records for at least 2 years, and make these records available to the Department upon request.

.04 Loading Operations.

A. Bulk Gasoline Terminals.

(1) Standards. The owner or operator of a bulk gasoline terminal shall:

(a) Equip the loading system with a vapor control system designed to collect all vapors and control at least 90 percent of all vapors from the loading racks, and emissions from the loading rack may not exceed:

(i) 0.29 pound of VOC per 1,000 gallons (35 milligrams per liter) of gasoline or VOC loaded in Areas III and IV and Calvert, Cecil, Charles, and Frederick counties; or

(ii) 0.67 pounds of VOC per 1,000 gallons (80 milligrams per liter) of gasoline or VOC loaded in Area I and Caroline, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties.

(b) Design and operate the vapor control system and the gasoline loading equipment so that during loading:

(i) The gasoline tank truck pressure does not exceed 18 inches of water, and vacuum does not exceed 6 inches of water; and

(ii) There are no gasoline leaks in the system when tested by the method referenced in §A(3)(a) of this regulation during loading or unloading operations.

(c) Equip the loading rack with a top submerged or bottom loading system.

(2) Compliance and Record Keeping.

(a) Testing.

(i) Vapor control systems shall be tested for compliance with §A(1)(a) of this regulation once every 5 years, during the period between May and September 15.

(ii) The owner or operator shall notify the Department not less than 15 days before the scheduled test date, and notification shall contain a copy of the test protocol.

(iii) A copy of the test results shall be submitted to the Department not more than 60 days after the test date.

(b) The owner or operator shall keep a record of all maintenance and repairs performed on the vapor recovery unit for 2 years, and make these records available upon request by the Department.

(3) Test Procedures.

(a) Testing for leak-tight conditions, as required in §A(1)(b)(ii) of this regulation, shall be conducted as prescribed in Method 1008 of the Department's Technical Memorandum 91-01, "Test Methods and Equipment Specifications for Stationary Sources" January 1991, as amended through Supplement 3 (October 1, 1997), which is incorporated by reference in COMAR 26.11.01.04C.

(b) The test procedures to determine mass emission rate compliance as required in §A(1)(a) of this regulation, shall be as prescribed in Method 1009 of the Department's Technical Memorandum 91-01, "Test Methods and Equipment Specifications for Stationary Sources" January 1991, as amended through Supplement 3 (October 1, 1997), which is incorporated by reference in COMAR 26.11.01.04C.

B. Bulk Gasoline Plants.

(1) Applicability. Section B(2) of this regulation applies to a person owning or operating a bulk gasoline plant with a daily throughput of 4,000 gallons (15,140 liters) or greater.

(2) Equipment Standards.

(a) The owner or operator of a bulk gasoline plant shall:

(i) Equip the loading rack with a vapor balance system which shall be properly installed, maintained, and used;

(ii) Equip the loading rack with a top submerged or bottom loading system; and

(iii) Comply with the leak-tight requirements as specified in §A(1)(b) of this regulation.

(b) Stage I Vapor Recovery. A person who owns or operates a bulk plant may not cause or permit gasoline to be unloaded from a tank truck or trailer into a stationary storage tank unless the loading system is equipped with a vapor balance line that shall be properly installed, maintained, and used.

C. Small Storage Tanks.

(1) Applicability. This section applies to a person who owns or operates:

(a) A gasoline storage tank that has a tank capacity greater than 2,000 gallons but less than 40,000 gallons; or

(b) A gasoline tank truck used to transfer gasoline into a storage tank that is listed in §C(1)(a) of this regulation.

(2) Stage I Vapor Recovery. An owner or operator of a gasoline tank truck or an owner or operator of a stationary storage tank subject to this regulation may not cause or permit gasoline to be loaded into a stationary tank unless the loading system is equipped with a vapor balance line that is properly installed, maintained, and used.

D. General Standards. A person may not cause or permit gasoline or VOC having a TVP of 1.5 psia (10.3 kilonewtons/square meter) or greater to be loaded into any tank truck, railroad tank car, or other contrivance unless the:

(1) Loading connections on the vapor lines are equipped with fittings that have no leaks and that automatically and immediately close upon disconnection to prevent release of gasoline or VOC from these fittings; and

(2) Equipment is maintained and operated in a manner to prevent avoidable liquid leaks during loading or unloading operations.

E. Alternative Compliance Procedures. In lieu of satisfying the requirements of §D(1) of this regulation, a person may instead utilize:

(a) An overhead loading rack installation which transfers VOC other than gasoline having a TVP of 1.5 psia (10.3 kilonewtons/square meter) from railroad tank car to tank trucks, or vice versa, using drip pans and other spill control equipment to limit the release of any product during post loading disconnections and any one of the following control practices or combination thereof:

- (i) Walking the hose clear of fluids;
- (ii) Running a pump to clear the line of fluids; or
- (iii) Application of inert gas to clear the line of fluids; or

(b) An alternative equivalent vapor containment method approved by the Department and the EPA as a revision to the Maryland State Implementation Plan.

.05 Gasoline Leaks from Tank Trucks.

A. Equipment Standards. A person may not allow a gasoline tank truck to be filled or emptied unless the tank has been certified as capable of sustaining a pressure change of not more than 3 inches of water in 5 minutes when pressurized to a gauge pressure of 18 inches of water (4,479 kilonewtons/square meter), or evacuated to a gauge pressure of 6 inches of water (1,493 kilonewtons/square meter), during a test, according to the procedure referenced in §B(2) of this regulation.

B. Method of Compliance. A person who owns or operates a gasoline tank truck subject to this regulation shall:

(1) Conduct a certification test annually, in accordance with the test method referenced in §B(2) of this regulation;

(2) Use the certification test procedures as prescribed in Method 1007 of the Department's Technical Memorandum 91-01, "Test Methods and Equipment Specifications for Stationary Sources" January 1991, as amended through Supplement 3 (October 1, 1997), which is incorporated by reference in COMAR 26.11.01.04C; and

(3) Complete any needed repairs, and retest within 15 days of the original test date.

C. Determination of Compliance.

(1) A person who owns or operates a gasoline tank truck shall display the certification test expiration date on the truck. This expiration date shall be placed near the Department of Transportation Certification plate required by 40 CFR §178.340-10B.

(2) The Department may at any time monitor gasoline tank trucks for leak-tight conditions using the procedures described in Method 1008 of the Department's Technical Memorandum 91-01, "Test Methods and Equipment Specifications for Stationary Sources" January 1991, as amended through Supplement 3 (October 1, 1997), which is incorporated by reference in COMAR 26.11.01.04C.

D. Record Keeping and Reporting.

(1) A person who owns or operates a gasoline tank truck shall:

(a) Maintain records of all tests, repairs, and retests for at least 2 years after the respective dates of completion;

(b) Submit to the Department, upon request, copies of certification test records from tests required in Regulation .04A(3)(a) of this chapter.

(2) The records shall contain the following information:

- (a) Gasoline tank truck tank number;
- (b) Date of test;
- (c) Date and type of repair, if applicable;
- (d) Date of retest, if applicable;
- (e) The initial test pressure and the time of the reading;
- (f) The final test pressure and the time of the reading;
- (g) The initial test vacuum and the time of the reading;
- (h) The final test vacuum and the time of the reading.

.06 Plans for Compliance.

A person who is not in compliance with this chapter and owns or operates an installation located in Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, or Worcester counties shall submit a Plan for Compliance for approval by the Department. The plan for compliance shall be submitted not later than April 15, 1993, and include an expeditious schedule to achieve compliance not later than May 15, 1995.

.07 Control of VOC Emissions from Portable Fuel Containers.

A. Definitions. In this regulation, the following terms have the meanings indicated:

(1) Distributor.

(a) "Distributor" means a person to whom a portable fuel container or spout or both portable fuel container and spout is sold or supplied for the purpose of resale or distribution in commerce.

(b) "Distributor" does not include a manufacturer, retailer, or consumer.

(2) "Fuel" means all gasoline, gasoline-alcohol mixtures or blends, or petroleum derivatives, having a true vapor pressure within the range of 1.5 to 11 pounds per square inch absolute (psia) (10.3 to 75.6 kilonewtons/square meter) for use in internal combustion engines or aircraft.

(3) "Kerosene" means any light petroleum distillate having a true vapor pressure within the range of 0.0041 to 0.029 pounds per square inch absolute (psia) (0.028 to 0.2 kilonewtons per square meter) for use in space heaters, cooking stoves, water heaters, or wick-fed lamps.

(4) "Manufacturer" means a person who imports, manufactures, assembles, produces, packages, repackages, or relabels a portable fuel container or spout or both portable fuel container and spout.

(5) "Nominal capacity" means the volume indicated by the manufacturer that represents the maximum recommended filling level.

(6) "Outboard engine" means a spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

(7) "Permeation" means the process by which individual fuel molecules may penetrate the walls and various assembly components of a portable fuel container directly to the outside ambient air.

(8) Portable Fuel Container.

(a) "Portable fuel container" means a container or vessel with a nominal capacity of 10 gallons or less intended for reuse, that is designed or used primarily for receiving, transporting, storing, and dispensing fuel.

(b) "Portable fuel container" does not include containers or vessels permanently embossed or permanently labeled, meeting the requirements of 49 CFR §172.407(a) and intended for use with non-fuel or non-kerosene products.

(9) "Retail outlet" means an establishment at which portable fuel containers or spouts or both portable fuel containers and spouts are sold, supplied, or offered for sale.

(10) "Spill-proof spout" means a spout that complies with all of the performance standards set forth in §C(2) of this regulation.

(11) "Spill-proof system" means a configuration of portable fuel container and firmly attached spout that complies with all of the performance standards as set forth in §C(1) of this regulation.

(12) Spout.

(a) "Spout" means a device that can be firmly attached to a portable fuel container for conducting pouring through which the contents of a portable fuel container can be dispensed.

(b) "Spout" does not include lengthening devices that can be used to accommodate necessary applications.

(13) "Target fuel tank" means a receptacle that receives fuel from a portable fuel container.

B. Applicability and Exemptions.

(1) This regulation applies to a person who manufactures, sells, advertises, or makes available for use portable fuel containers or spouts or both portable fuel containers and spouts in the State.

(2) This regulation does not apply to a person or manufacturer who sells, advertises, or makes available for use:

(a) Portable fuel container or spouts or both portable fuel containers and spouts manufactured in the State for shipment, sale, and use outside of the State;

(b) Safety cans meeting the requirements of 29 CFR Chapter 17, Part 926, Subpart F;

(c) Portable fuel containers with a nominal capacity less than or equal to 1 quart;

(d) Rapid refueling devices with nominal capacities greater than or equal to 4 gallons, if these devices are:

(i) Designed for use in officially sanctioned off-highway motor sports such as car racing or motorcycle competitions; or

(ii) Either create a leak-proof seal against a stock target fuel tank or are designed to operate in conjunction with a receiver permanently installed on the target fuel tank;

(e) Portable fuel tanks manufactured specifically to deliver fuel through a hose attached between the portable fuel tank and the outboard engine for the purpose of operating the outboard engine; or

(f) Closed-system portable fuel containers that are used exclusively for fueling remote control model airplanes.

(3) This regulation does not apply to a manufacturer or distributor who does not comply with the performance standards specified in §C of this regulation if the manufacturer or distributor demonstrates that:

(a) The portable fuel container or spout or both portable fuel container and spout is intended for shipment and use outside of the State; and

(b) The manufacturer or distributor has taken reasonable prudent precautions to ensure that the portable fuel container or spout or both portable fuel container and spout is not distributed within the State.

(4) The exemption in §B(3) of this regulation does not apply to a person who sells, supplies, or offers for sale portable fuel containers or spouts or both portable fuel containers and spouts to retail outlets in the State.

(5) The performance standards specified in §C of this regulation do not apply to portable fuel containers or spouts or both portable fuel containers and spouts that are certified for use and sale by the manufacturer through CARB and covered by a CARB Executive Order before June 30, 2007.

(6) This regulation does not exempt spill-proof systems or spill-proof spouts from compliance with other applicable federal and State statutes and regulations such as State fire codes, safety codes, and other safety regulations, nor will the Department test for or determine compliance with such other statutes or regulations.

C. Performance Standards for Portable Fuel Containers and Spill-Proof Spouts.

(1) Except as provided in §B(2) of this regulation, a person may not manufacture, sell, or make available for use after June 30, 2007, a portable fuel container or a portable fuel container and spout that does not meet all of the following performance standards:

(a) Contains an automatic shut-off that stops the fuel flow before the target fuel tank overflows;

(b) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel;

(c) Contains only one opening for both filling and pouring;

(d) Does not exceed a permeation rate of 0.4 grams per gallon per day; and

(e) Is warranted by the manufacturer for a period of not less than 1 year against defects in materials and workmanship.

(2) Except as provided in §B(2) of this regulation, a person may not manufacture, sell, or make available for use after June 30, 2007, any spout that does not meet all of the following performance standards:

- (a) Contains an automatic shut-off that stops the fuel flow before the target fuel tank overflows;
- (b) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel; and
- (c) Is warranted by the manufacturer for a period of not less than 1 year against defects in materials and workmanship.

(3) Notwithstanding the provisions of §C(1) and (2) of this regulation, a portable fuel container or spout or both portable fuel container and spout manufactured 30 days after the effective date of this regulation, may be sold, supplied, or offered for sale until 1 year after the time period beginning 30 days after the effective date of this regulation, if it is labeled or designated for use solely with kerosene and if the date of manufacture or a date code representing the date of manufacture is clearly displayed on the portable fuel container or spout.

(4) Except as provided in §B of this regulation, a portable fuel container, spout, or portable fuel container and spout produced on or after July 1, 2007, that is manufactured for sale, advertised for sale, sold, or offered for sale in Maryland or that is introduced, delivered, or imported into Maryland for commerce and that is subject to any of the standards specified in this regulation and documents incorporated by reference, shall be certified for use and sale by the manufacturer through CARB and covered by a CARB Executive Order.

D. Innovative Products.

(1) Portable fuel containers or spouts or both portable fuel containers and spouts which have been granted an innovative product exemption by the California Air Resources Board (CARB) are exempt from the requirements in §C of this regulation for the period of time that the CARB Innovative Products exemption remains in effect. Any manufacturer claiming such an exemption on this basis shall submit to the Department a copy of the CARB exemption decision (i.e., the Executive Order), including all conditions established by CARB applicable to the exemption.

(2) For any portable fuel container or spout or both portable fuel container and spout for which an innovative product exemption has been granted under this regulation, the manufacturer shall notify the Department in writing at least 30 days before the manufacturer changes a product's design, delivery system, or other factors that may effect the VOC emissions during recommended usage. The manufacturer shall also notify the Department within 30 days after the manufacturer learns of any information that would alter the emissions estimates submitted to the Department in support of the exemption application.

(3) If the performance standards specified in §C of this regulation are amended for a product category, all innovative product exemptions granted for products in the product category have no effect as of the effective date of the amended performance standards.

E. Labeling and Notification.

- (1) A manufacturer shall clearly display on each spill proof system:
 - (a) The phrase "Spill-Proof System";
 - (b) The date of manufacture or representative date; and
 - (c) A representative code identifying the portable fuel container or portable fuel container and spout as subject to and complying with §C(1) of this regulation.

(2) A manufacturer shall clearly display on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout or a label affixed thereto:

- (a) The phrase "Spill-Proof Spout";
- (b) The date of manufacture or representative date; and
- (c) A representative code identifying the spout as subject to and complying with §C(2) of this regulation.

(3) A manufacturer subject to §C(4) of this regulation shall clearly display on each portable fuel container or portable fuel container and spout:

- (a) The phrase "Spill-Proof Spout";
- (b) The date of manufacture or representative date; and
- (c) A representative code identifying the Executive Order Number issued by CARB for the portable fuel container or portable fuel container and spout.

(4) A manufacturer subject to §E(1) or (2) of this regulation shall file an explanation of both the date code and representative code with the Department not later than the later of 3 months after the effective date of this regulation or within 3 months of production, and within 3 months after any change in coding.

(5) A manufacturer subject to §E(2) of this regulation shall clearly display the make, model number, and size of only those portable fuel containers the spout is designed to accommodate and demonstrate compliance with §C(1) of this regulation on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout, or a label affixed thereto.

(6) A manufacturer not subject to or not in compliance with §C of this regulation may not display the phrase "Spill-Proof System" or "Spill-Proof Spout" on the portable fuel container or spout, respectively, on any sticker or label affixed thereto, or on any accompanying package.

(7) A manufacturer subject to and complying with §C of this regulation that due to its design or other features cannot be used to refuel one or more on-road motor vehicles shall clearly display the phrase "Not Intended For Refueling On-Road Motor Vehicles" in type of 34 point or greater on each of the following:

- (a) For a portable fuel container or portable fuel container and spout sold together as a spill-proof system, on the system or on a label affixed thereto, and on the accompanying package, if any; and
- (b) For a spill-proof spout sold separately from a spill-proof system, on either the spill-proof spout, or a label affixed thereto, and on the accompanying package, if any.

F. Variances.

(1) Portable fuel containers and spouts or both portable fuel containers and spouts which have been granted a variance by CARB are exempt from the requirements in §C of this regulation for the period of time that the CARB variance remains in effect. A manufacturer claiming a variance on this basis shall submit to the Department a copy of the CARB variance decision (that is, the Executive Order), including all conditions established by CARB applicable to the variance.

(2) A person or manufacturer who cannot comply with the requirements set forth in §C of this regulation, due to extraordinary reasons beyond the person's reasonable control, may apply in writing to the Department for a variance. The variance application shall set forth:

(a) The specific grounds upon which the variance is sought;

(b) The proposed date or dates by which compliance with the provisions of §C of this regulation will be achieved; and

(c) A compliance report detailing the methods by which compliance will be achieved.

(3) A variance may not be granted unless:

(a) Due to reasons beyond the reasonable control of the applicant, required compliance with §C of this regulation would result in extraordinary economic hardship;

(b) The public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants that would result from issuing the variance; and

(c) The compliance report proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible.

(4) The Department may hold a public comment hearing to receive comments on a request for a variance.

(5) An approval of a variance shall specify a final date by which compliance with the provisions of §C of this regulation shall be achieved. An approved variance shall:

(a) Specify a compliance date;

(b) Contain conditions that the Department finds necessary to carry out the purposes of this regulation; and

(c) Cease to be effective upon failure of the party to whom the variance is granted to comply with a term or condition of the variance.

(6) Upon the application of any person, the Department may review, and for good cause, modify or revoke a variance from requirements of §C of this regulation after holding a public comment hearing in accordance with the provisions of §F(4) of this regulation.

G. Testing Requirements and Record Keeping.

(1) Testing Requirements.

(a) Testing to determine compliance with §C(2) of this regulation shall be performed using the following test methods approved by CARB which are incorporated by reference:

(i) "Test Method 510, Automatic Shut-Off Test Procedure For Spill-Proof Systems And Spill-Proof Spouts", amended by CARB on July 26, 2006; and

(ii) "Test Method 511, Automatic Closure Test Procedure For Spill-Proof Systems And Spill-Proof Spouts", adopted by CARB on July 6, 2000.

(b) Testing to determine compliance with §C(1) of this regulation shall be performed using all test methods in §G(1)(a) and "Test Method 513, Determination Of Permeation Rate For Spill-Proof Systems", adopted by CARB on July 6, 2000, which is incorporated by reference.

(c) Testing to determine compliance with §C(4) of this regulation shall be performed by using the test methods in "CP-501, Certification Procedure for Portable Fuel Containers and Spill-Proof Spouts", adopted by CARB on July 26, 2006, which is incorporated by reference.

(d) A manufacturer shall perform tests for determining compliance as set forth in this section to show that their product meets and complies with the performance standards before allowing the product to be offered for sale.

(e) Alternative test methods that are shown to be accurate, precise, and appropriate may be used upon written approval of the Department and the Environmental Protection Agency (EPA).

(2) Record Keeping. A manufacturer subject to this regulation shall keep all records of compliance tests for as long as the product is available for sale in the State, and make the records available to the Department within 60 days of a request.

.08 Control of VOC Emissions from Marine Vessel Loading.

A. Applicability.

(1) In Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, or Worcester counties, the requirements in §B of this regulation apply to the transfer of VOCs from a stationary storage tank into a marine vessel if the total emissions from all marine vessel loading at the premises during a calendar year are equal to or exceed 50 tons.

(2) In Baltimore City or Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, or Prince George's counties, the requirements in §B of this regulation apply to the transfer of VOCs from a stationary storage tank into a marine vessel if the total emissions from all marine vessel loading at the premises during a calendar year are equal to or exceed 25 tons.

(3) The reporting requirements in §C of this regulation apply to all transfers of any amount of VOCs, except fuel oils, from a stationary storage tank into a marine vessel.

B. General Requirements.

(1) The transfer of VOCs into a marine vessel subject to this regulation is prohibited unless:

(a) The marine vessel is equipped with a vapor return line; and

(b) The vapor is vented into an air pollution control device that is demonstrated to recover or destroy at least 90 percent of the captured vapor.

(2) The vapor control system shall be constructed, operated, and maintained so that VOC vapor leaks are minimized during the transfer of VOCs into a marine vessel.

(3) VOCs may not be transferred into a marine vessel unless the vessel has been leak tested or pressure tested within the past 2 years using the Coast Guard requirements at 33 CFR §156.150.

C. Record Keeping Requirements.

(1) The owner or operator of a premises subject to this regulation shall record and maintain the following information:

- (a) The date and time when each marine vessel commenced and completed the loading of VOCs;
- (b) Identification of the product that was loaded into the marine vessel and the total volume loaded; and
- (c) The date when each marine vessel used was leak tested or pressure tested.

(2) The records shall be maintained for a period of not less than 5 years and made available to the Department upon request and to members of the public subject to the provisions of the Maryland Public Information Act, State Government Article, §§10-611—628, Annotated Code of Maryland.