

**PART 230****GASOLINE DISPENSING SITES AND TRANSPORT VEHICLES**

(Statutory authority: Environmental Conservation Law, 1-0103, 3-0301, 19-0105, 19-0301, 19-0303, 19-0304, 71-2103, 71-2105)

Sec.	
230.1	Applicability.
230.2	Definitions.
230.3	Gasoline dispensing sites – prohibitions and requirements.
230.4	Gasoline dispensing sites - recordkeeping and reporting.
230.5	Gasoline dispensing sites - test company certification.
230.6	Gasoline transport vehicles - prohibitions and requirements.
230.7	Gasoline transport vehicles - recordkeeping and reporting.
230.8	Variations.
230.9	Severability.

**Historical Note**

Part (§§ 230.1-230.4) renum. Part 387, Title 9, filed Sept. 1971; new (§§ 230.1-230.5) filed May 17, 1972; repealed, filed Aug. 27, 1974; new (§§ 230.1-230.7) filed March 12, 1985; amd. filed Aug. 23, 1994; repealed, new (§§ 230.1-230.9) filed Jan. 12, 2021 eff. 30 days after filing.

**§ 230.1 Applicability.**

This Part applies to all gasoline transport vehicles, and all gasoline dispensing sites that have gasoline storage tanks larger than 250 gallons.

**Historical Note**

Sec. renum. 387.1, Title 9, filed Sept. 1971; new filed May 17, 1972; repealed, filed Aug. 27, 1974; new filed March 12, 1985; amds. filed: May 28, 1987; Aug. 23, 1994; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

**§ 230.2 Definitions.**

- (a) For the purposes of this Part, the general definitions of Part 200 of this Title apply.
- (b) The following definitions shall also apply to this Part:
  - (1) *Annual throughput*. The amount of gasoline transferred into or dispensed from a gasoline dispensing site during any 12 consecutive months.
  - (2) *CARB*. California Air Resources Board as defined in California's Health and Safety Code, section 39003 (1975) (see Table 1, section 200.9 of this Title).
  - (3) *Dual-point vapor recovery system*. A gasoline storage tank equipped with an entry port for gasoline and a separate exit port for vapor collection.
  - (4) *Gasoline*. A petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines.
  - (5) *Gasoline dispensing site*. A site where gasoline is dispensed into motor vehicle fuel tanks or into portable containers from a stationary gasoline storage tank larger than 250 gallons.
  - (6) *Gasoline storage tank*. A stationary storage tank larger than 250 gallons located at a gasoline dispensing site which is used to store gasoline.
  - (7) *Gasoline transport vehicle*. A tank truck, trailer or railroad tank car, with a capacity of 300 gallons or more, used to transport gasoline.
  - (8) *Gauge well*. An opening in the top of a gasoline storage tank used to measure the amount of product in the tank.
  - (9) *Reconstructed*. Any physical change to a gasoline storage tank where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source.

(10) *Stage I vapor recovery system.* A system that forces gasoline vapors from a gasoline storage tank into a vapor-tight gasoline transport vehicle through direct displacement of the gasoline being transferred.

(11) *Stage II vapor recovery system.* A system that captures gasoline vapors displaced or withdrawn from a vehicle fuel tank during refueling and returns the vapors back to the gasoline storage tank.

(12) *Submerged filling.* The use of a fill pipe or drop tube intended to minimize splashing of gasoline when loading a gasoline storage tank.

(13) *Vapor-tight.* A condition that precludes vapor loss. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is less than 100 percent of the lower explosive limit (LEL) when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

(14) *Vehicle dismantling facility.* A facility that decommissions, dismantles and recycles end of life vehicles.

#### Historical Note

Sec. amd. filed Oct. 27, 1961; renum. 387.2, Title 9, filed Sept. 1971; new filed May 17, 1972; amds. filed: July 12, 1972; Jan. 15, 1973; repealed, filed Aug. 27, 1974; new filed March 12, 1985; amds. filed: May 28, 1987; Aug. 23, 1994; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

### § 230.3 Gasoline dispensing sites – prohibitions and requirements.

(a) *Submerged filling.* All gasoline storage tanks must be equipped with a metallic fill pipe designed and installed to minimize vapor emissions and the generation of static electricity by terminating the pipe within 6 inches of the bottom of the tank.

(b) *Minimizing vapor releases.* Owners and/or operators of any gasoline dispensing site must follow best management practices to minimize vapor releases to the atmosphere. Measures to minimize vapor releases include, but are not limited to, the following:

- (1) minimizing gasoline spills;
- (2) cleaning up spills as expeditiously as practicable;
- (3) covering all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
- (4) minimizing the amount of gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(c) *Stage I vapor recovery systems.* The installation and operation of Stage I vapor recovery systems are required for the transfer of gasoline into gasoline storage tanks, based upon the site location and/or the annual gasoline throughput of a gasoline dispensing site. Exempt sources are not required to meet the provisions of paragraphs (2), (3), (4), (5), (6) and (7) of this subdivision.

(1) Exempt sources. The installation and operation of Stage I vapor recovery systems is not required for the transfer of gasoline into the following storage tanks:

- (i) gasoline storage tanks with a capacity less than 550 gallons and which are used exclusively for farm tractors engaging in agricultural or snowplowing activities; and
- (ii) gasoline storage tanks used to store gasoline drained from vehicles at a vehicle dismantling facility.

(2) Minimum requirements. Owners and/or operators of any Stage I vapor recovery system must replace, repair or modify any worn or ineffective components or design elements to ensure the vapor-tight integrity and efficiency of the vapor collection and control system.

(3) Gasoline dispensing sites located in the New York City or lower Orange County metropolitan areas with an annual throughput less than 120,000 gallons.

- (i) No person may transfer or allow the transfer of gasoline into any gasoline storage tank, installed or reconstructed after January 1, 1979, located in the New York City metropolitan area without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(ii) No person may transfer or allow the transfer of gasoline into any gasoline storage tank, installed or reconstructed after October 15, 1994, located in the lower Orange County metropolitan area without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(4) Gasoline dispensing sites located in the New York City metropolitan areas with an annual throughput of 120,000 gallons or more.

(i) Gasoline dispensing sites with an annual throughput greater than or equal to 120,000 gallons but less than 800,000 gallons. No person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(ii) Gasoline dispensing sites with an annual throughput greater than or equal to 800,000 gallons. Six months after the effective date of this regulation, no person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of subparagraphs (6)(i), (6)(ii), 6(iii), and 6(iv) of this subdivision.

(5) Gasoline dispensing sites located outside the New York City metropolitan areas with an annual throughput greater than or equal to 120,000 gallons but less than 1,200,000 gallons. No person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(6) Gasoline dispensing sites located outside the New York City metropolitan areas with an annual throughput of 1,200,000 gallons or more.

(i) No person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the following requirements:

(a) vapor connections and lines must be equipped with closures that seal upon disconnect;

(b) the vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight;

(c) the pressure in the tank truck must not exceed 18 inches of water pressure or 5.9 inches of water vacuum during transfer of gasoline from the truck into the gasoline storage tank;

(d) the vapor recovery and product adapters, and the method of connection with the delivery elbow, must be designed to prevent the over-tightening or loosening of fittings during normal delivery operations;

(e) gauge wells must have a submerged drop tube that extends the same distance from the bottom of the gasoline storage tank as required by subdivision (a) of this section;

(f) liquid fill connections for all gasoline storage tanks must be equipped with vapor-tight caps;

(g) pressure/vacuum (P/V) vent valves must be installed and maintained on the gasoline storage tank vent pipes in accordance with the following specifications:

(1) a positive pressure setting of 2.5 to 6.0 inches of water;

(2) a negative pressure setting of 6.0 to 10.0 inches of water; and

(3) the total leak rate of all P/V vent valves at a gasoline dispensing site, including connections, may not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4.0 inches of water; and

(h) Stage I vapor recovery systems must be capable of meeting the static pressure performance requirements of the following equation:

$$Pf = 2e^{500.887v}$$

Where:

Pf = minimum allowable final pressure, inches of water

v = total ullage affected by the test, gallons

e = dimensionless constant equal to approximately 2.718

2 = the initial pressure, inches water

(ii) Any gasoline storage tank installed or reconstructed after November 9, 2006 must be equipped with a dual-point vapor recovery system as defined in section 230.2(b)(3) of this Part.

(iii) Upon installation of a Stage I vapor recovery system and every three years thereafter, an owner and/or operator must:

(a) demonstrate compliance with the CARB Vapor Recovery Test Procedure TP-201.1E - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves (see Table 1, section 200.9 of this Title); and

(b) demonstrate compliance with the CARB Vapor Recovery Test Procedure TP-201.3 - Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (see Table 1, section 200.9 of this Title).

(iv) the CARB vapor recovery tests required in subparagraph 230.3(c)(6)(iii) must be performed by a testing company that satisfies the certification requirements outlined in section 230.5 of this Part.

(7) A gasoline dispensing site that becomes subject to the regulatory requirements in paragraphs (3), (4), (5) or (6) of this subdivision due to an increase in monthly gasoline throughput, must comply with paragraphs (3), (4), (5) and (6) within 6 months of such increase.

(d) *Stage II decommissioning.* (1) An owner and/or operator of a gasoline dispensing site with a Stage II vapor recovery system shall decommission the system within 12 months of the effective date of this regulation in accordance with the following:

(i) drain and collect all accumulated liquids from all Stage II equipment;

(ii) if applicable, remove any liquid drop-out tank or condensate trap or remove any accumulated liquid and cap off any siphon line associated with the tank;

(iii) if the Stage II vapor recovery system includes a vacuum-assist vapor pump, either remove or disable the pump;

(iv) disconnect and cap off the Stage II vapor recovery line at the dispenser end with a vapor-tight cap or plug after purging the vapor recovery line with nitrogen to void accumulated liquid;

(v) if accessible without excavation, disconnect and cap off the Stage II vapor recovery line at the tank end with a vapor-tight cap or plug;

(vi) if excavation exposes the Stage II vapor recovery line after decommissioning, the vapor recovery line must be removed;

(vii) replace the Stage II vapor recovery system hanging hardware with conventional (non-Stage II) hanging hardware;

(viii) remove the Stage II vapor recovery system operating instructions from all dispensers;

(ix) conduct a passing CARB Vapor Recovery Test Procedure TP-201.3 - Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (see Table 1, section 200.9 of this Title); and

(x) within 30 days of completing the decommissioning of the Stage II vapor recovery system, provide documentation to the department of the procedures used to demonstrate that the Stage II vapor recovery system has been decommissioned accordingly. Documentation should include a completed copy of the decommissioning checklist found on the department's website and a copy of the leak testing report required by subparagraph (d)(1)(ix) of this section. Documentation in a format acceptable to the department shall be sent to the Division of Air Resources, New York State Department of Environmental Conservation at [dar.web@dec.ny.gov](mailto:dar.web@dec.ny.gov).

(2) Prior to decommissioning, owners and/or operators of a gasoline dispensing site with a Stage II vapor recovery system shall:

(i) continue to operate the system with equipment on the department approved equipment list; and

- (ii) operate the system as designed and ensure that all necessary components of the system are maintained.

**Historical Note**

Sec. repealed, filed Aug. 13, 1963; new filed May 17, 1972; amd. filed July 12, 1972; repealed, filed Aug. 27, 1974; new filed March 12, 1985; amd. filed Aug. 23, 1994; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

**§ 230.4 Gasoline dispensing sites - recordkeeping and reporting.**

(a) The owner and/or operator of a gasoline dispensing site shall maintain records showing the quantity of all gasoline delivered to the site. These records must be kept at the gasoline dispensing site for at least 2 years, and must be made available to the department upon request. The sum of all gasoline deliveries to a gasoline dispensing site during every 12 consecutive months must be used to determine whether the requirements of this Part apply. Once a gasoline dispensing site becomes subject to the requirements of this Part because its annual gasoline throughput exceeds an applicability level, subsequent decreases in gasoline deliveries or throughput do not excuse a site owner from compliance with requirements of this Part for that applicability level.

(b) The owner and/or operator of a gasoline dispensing site required to demonstrate compliance with the leak rate and cracking pressure requirement and/or the static pressure performance requirement for a Stage I vapor recovery system pursuant to section 230.3(c)(6)(iii)(a) and (b) of this Part shall report all test results to the Division of Air Resources, New York State Department of Environmental Conservation, within 30 days after the test at [dar.web@dec.ny.gov](mailto:dar.web@dec.ny.gov). A copy of the most recent test results must be retained at the gasoline dispensing site. The test results must contain:

- (1) the pass/fail results;
- (2) information on any failed tests including equipment repairs and replacements needed to attain passing test results; and
- (3) site information including owner name, operator name, site address, telephone number, Petroleum Bulk Storage (PBS) program registration number, tank installation dates, and most recent annual throughput.

**Historical Note**

Sec. filed Aug. 13, 1963; renum. 387.3, Title 9, filed Sept. 1971; new filed May 17, 1972; amd. filed July 12, 1972; repealed, filed Aug. 27, 1974; new filed March 12, 1985; amd. filed Aug. 23, 1994; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

**§ 230.5 Gasoline dispensing sites - test company certification.**

Test companies shall certify that Stage I vapor recovery system compliance tests are performed in accordance with the procedures and protocols contained in the CARB test procedures referenced in section 230.3(c)(6)(iii)(a) and (b) of this Part (see Table 1, section 200.9 of this Title) and that testing staff have been trained accordingly to perform these tests. Written certification must be submitted to the department 30 days prior to performing the tests or within 30 days after the effective date of this regulation, whichever is later. Notification to the department shall be sent to the Division of Air Resources, New York State Department of Environmental Conservation at [dar.web@dec.ny.gov](mailto:dar.web@dec.ny.gov).

**Historical Note**

Sec. filed May 17, 1972; amd. filed July 12, 1972; repealed, filed Aug. 27, 1974; new filed March 12, 1985; renum. 230.6, new filed May 28, 1987; amd. filed Aug. 23, 1994; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

**§ 230.6 Gasoline transport vehicles - prohibitions and requirements.**

(a) No owner or operator of a gasoline transport vehicle may transport gasoline or allow the vehicle to be filled or emptied in New York State unless the gasoline transport vehicle meets:

- (1) the Federal Department of Transportation (DOT) requirements for leak testing as required by 49 CFR 180.407(h) (see Table 1, section 200.9 of this Title); and
- (2) the Federal DOT requirements for test markings as required by 49 CFR 180.415 (see Table 1, section 200.9 of this Title).

(b) No operator of a gasoline transport vehicle may transfer gasoline into a gasoline storage tank with a Stage I vapor recovery system unless the vehicle operator:

- (1) connects the Stage I vapor recovery hose before connecting the gasoline delivery hose prior to tank loading;
- (2) ensures that all tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the gasoline storage tank;
- (3) ensures that all hoses in the vapor balance system are properly connected;
- (4) ensures that the adapters or couplers that attach the vapor line to the vapor port on the gasoline storage tank have closures that seal upon disconnect;
- (5) ensures that all vapor return hoses, couplers, and adapters used to transfer the gasoline vapor are vapor-tight;
- (6) ensures that all hatches on the tank truck are closed and securely fastened;
- (7) ensures that the filling of gasoline storage tanks is limited to unloading from vapor-tight gasoline cargo tanks which meet the requirements in paragraphs (a)(1) and (2) of this section; and
- (8) disconnects the gasoline delivery hose before disconnecting the Stage I vapor recovery hose after tank loading.

(c) Vapor leaks from the gasoline transport vehicle or vapor recovery system may not equal or exceed the lower explosive limit (LEL measured as propane) when measured at a distance of 1 inch from the source with a combustible gas detector. The combustible gas detector used for determining compliance with this standard must be properly calibrated and have a minimum range of 0-100 percent of the LEL as propane, have a probe with an external diameter of one quarter inch (0.635 cm), and a response time less than 30 seconds with sampling line and probe attached.

(d) Dome covers on a gasoline transport vehicle must not be open while the vehicle is in motion or while gasoline is being transferred into the vehicle, except where gasoline transport vehicles are hatch-loaded in conformance with subparagraph 229.3(c)(3)(ii) or 229.3(d)(2)(i) of this Title.

#### Historical Note

Sec. filed July 12, 1972; repealed, filed Aug. 27, 1974; new filed March 12, 1985; renum. 230.7, new added by renum. 230.5, filed May 28, 1987; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

### § 230.7 Gasoline transport vehicles - recordkeeping and reporting.

(a) The owner of any gasoline transport vehicle subject to the leak testing requirements outlined in section 230.6(a) of this Part shall keep:

- (1) leak testing records with information as prescribed by 49 CFR 180.417(b)(1) and (2) (see Table 1, section 200.9 of this Title) for 5 years; and
- (2) a copy of the most recent leak testing results with the gasoline transport vehicle.

#### Historical Note

Sec. filed March 12, 1985; renum. 230.8, new added by renum. and amd. 230.6, filed May 28, 1987; amd. filed Feb. 1, 1988; repealed, new filed Aug. 23, 1994; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

### § 230.8 Variances.

Where it can be shown to the satisfaction of the department that a gasoline dispensing site or gasoline transport vehicle cannot comply with the requirements of this Part for reasons of technological or economic feasibility, the commissioner may, upon submission of satisfactory

evidence, grant to the source owner or operator a variance from the requirements of this Part and accept a lesser degree of control or an alternate compliance schedule.

**Historical Note**

Sec. added by renum. 230.7, filed May 28, 1987; repealed, new filed Jan. 12, 2021 eff. 30 days after filing.

**§ 230.9 Severability.**

Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

**Historical Note**

Sec. filed Jan. 12, 2021 eff. 30 days after filing.