**Section 219.762 Control Requirements**

a) Except as provided at subsection (c) of this Section, every owner or operator of a marine terminal subject to the requirements of this Subpart shall equip each terminal with a vapor collection and control system that:

1) Captures the vapors displaced during the loading event and reduces overall VOM emissions by at least 95% by weight through the use of either a vapor combustion system or a vapor recovery system;

2) Is maintained and operated so that it prevents visible liquid leaks, significant odors, and visible fumes in the liquid transfer and the vapor collection lines, and appurtenances during loading; and

3) Has been certified as required by Coast Guard regulations found at 33 CFR 154.

b) From May 1 to September 15, the regulatory control period, every owner or operator of a marine terminal subject to the requirements of this Subpart shall load gasoline or crude oil only into marine vessels that are:

1) Equipped with vapor collection equipment that has been certified as required by Coast Guard regulations found at 46 CFR 39;

2) Connected to the vapor collection system; and

3) Vapor-tight as described in the following subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), or (b)(3)(D) of this Section:

A) The owner or operator of the marine terminal shall load each marine vessel with a vacuum assisted vapor collection system, instrumented in such a way that the pump(s) transferring gasoline or crude oil to the marine vessel will not operate unless the vapor collection system is properly connected and properly operating.

B) As an alternative to subsection (b)(3)(A) of this Section, the owner or operator of the marine terminal shall obtain documentation as described in Section 219.770(b) of this Subpart that the marine vessel has been vapor-tightness tested within either the preceding 12 months or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, using Method 21 of Part 60, Appendix A, incorporated by reference at Section 219.112 of this Part, as described in Section 219.768(b) of this Subpart.

C) If there is no documentation of a successful leak test conducted on the marine vessel in either the preceding 12 months or in the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 47 CFR 31.10-17, the owner or operator of the marine terminal shall require that a leak test of the marine vessel be conducted during the final 20 percent of loading of the marine vessel or shall not load the vessel. The test shall be conducted when the marine vessel is being loaded at the maximum liquid transfer rate for that transfer operation. The owner or operator of the marine terminal shall require that the documentation described in Section 219.770(b) of this Subpart is completed prior to departure of the vessel.

D) If the marine vessel has failed its most recent vapor-tightness leak test at the marine terminal, before the marine vessel can be loaded, the owner or operator of the marine terminal shall require that the owner or operator of the marine vessel provide documentation that the leaks detected during the previous vapor-tightness leak test have been repaired and that the marine vessel has been vapor-tightness tested since the leak(s) has been repaired pursuant to subsection (b)(3)(B) of this Section.

c) As an alternative to the control requirements of subsections (a) and (b) of this Section, an owner or operator of a marine terminal subject to the control requirements of this Subpart may comply by showing:

1) Operation of a vapor collection and control system for the loading of gasoline or crude oil from marine vessels in accordance with the regulations adopted by the USEPA pursuant to Sections 112(d) or 183(f) of the CAA;

2) Reduction of VOM emissions equivalent to the levels in Appendix E of this Part through a federally enforceable emission reduction plan; or

3) An alternate procedure to those described that has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

d) Nothing in this Subpart shall supersede any U.S. Coast Guard regulation that is more stringent than that contained in this Subpart.

(Source: Added at 18 Ill. Reg. 16415, effective Ocotber 25, 1994)