



# Enforcement Alert

Volume 3, Number 5

Office of Regulatory Enforcement

May 2000

## EPA Announces Clean Air Act Compliance Incentive Program Developed with API

*Companies Encouraged to Participate in Environmentally Beneficial, Cost-Cutting 'Slotted Guidepole' Emission Reduction Program; June 12 Deadline*

The U.S. Environmental Protection Agency (EPA) has announced a compliance agreement program developed with the American Petroleum

Institute (API) for companies with above-ground tanks that store substantial quantities of volatile organic liquids, including petroleum products (e.g., refineries, gasoline distribution terminals, chemical plants and other facilities).

The Storage Tank Emission Reduction Partnership Program is intended to improve air quality by reducing smog-causing volatile organic compound (VOC) emissions from "slotted guidepoles" expeditiously and at little or no cost for industry, as well as help companies meet their compliance obligations under the Clean Air Act.

In return for participation, EPA has agreed to eliminate any penalties from companies that agree to audit, disclose, and correct leaks in external floating roofs on storage tanks.

**Companies desiring to take advantage of this offer must register with EPA no later than June 12, 2000, and submit an executed standard participation agreement by Dec. 11, 2000.** Details of this partnership program were published in the *Federal Register* on April 13, 2000 (See <http://www.epa.gov/fedrgstr/EPAFR-CONTENTS/2000/April/Day-13/contents.htm>).

Slotted guidepoles are devices used on tanks to guide the motion of the external floating roof and sample the contents of the tank for environmental and quality-control purposes. Without emission controls, these guidepoles

operate as chimneys, emitting an estimated 20,000 pounds of volatile organic compounds annually per tank—roughly equivalent to the emissions from 380 cars and trucks. VOCs include a wide variety of hydrocarbons, some of which are hazardous air pollutants such as benzene, toluene, xylene and ethyl benzene.

The petroleum industry conducted extensive research on emissions from slotted guidepoles. Subsequently, acceptable control options were developed in consultation with the American Petroleum Institute. These options were reviewed and approved for use under this program by EPA's Office of Air Quality Planning Standards (OAQPS).

Under the terms of this compliance agreement program, companies will not be required to pay penalties if they comply with their schedule for installing acceptable controls **no later than June**

### About Enforcement Alert

"*Enforcement Alert*" is published periodically by the Office of Regulatory Enforcement to inform and educate the public and regulated community of important environmental enforcement issues, recent trends and significant enforcement actions.

This information should help the regulated community anticipate and prevent violations of federal environmental law that could otherwise lead to enforcement action. Reproduction and wide dissemination of this newsletter are encouraged.

See Page 2 for useful compliance assistance resources.

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### Important Deadlines:

**June 12, 2000: Register with EPA for Storage Tank Emissions Reduction Partnership Program**

**Dec. 11, 2000: Submit participation agreement to EPA**

**June 13, 2002: Install acceptable slotted guidepole emissions controls**

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**13, 2002.** Additional time will be allowed for those tanks that must be taken out of service to install these controls.

### **'No Visible Gap' Requirement in NSPS Subparts Ka, Kb**

The slots and the space between the guidepoles and the tank's roof are observable emission pathways that violate the "no visible gap" prohibition in the Standards of Performance for Petroleum and Organic Liquid Storage Vessels (NSPS Subparts Ka and Kb). 40 CFR 60.112a(a) and 60.112b(a).

In a separate Jan. 14, 2000, *Federal Register* notice, EPA reaffirmed prior determinations that uncontrolled slotted guidepoles do not comply with the "no visible gap" requirement in NSPS Subparts Ka and Kb (See <http://www.epa.gov/fedrgstr/EPA-AIR/2000/January/Day-14/a621.htm>).

The purpose of the Ka/Kb regulations is to reduce emissions from tanks

and other petroleum storage vessels. Furthermore, the intent of the "no visible gap" requirement is to eliminate or minimize any pathway through which evaporative tank losses could be emitted to the atmosphere.

The only exceptions to this closed cover ("no visible gap") requirement are automatic bleeder vents, rim space vents and leg sleeves, which are expressly identified in the rule. **All other openings and emission pathways** in the roof/cover, including slotted guidepoles, are subject to the "no visible gap" requirement.

EPA believes that the slotted guidepoles in many storage tanks across the nation may not be in compliance with NSPS Subparts Ka and Kb. As such, EPA urges companies to assess all of their NSPS Subpart Ka/Kb external floating roof tanks with slotted guidepoles and encourages them to take advantage of this beneficial but short-term compliance incentive program.

***For more information about the Storage Tank Emission Reduction Partnership Program, contact James***

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### **Useful Compliance Assistance Resources**

**Office of Regulatory Enforcement:**  
<http://www.epa.gov/oeca/ore/>

**Air Enforcement Division:**  
<http://www.epa.gov/oeca/ore/aed/>

**Audit Policy Information:**  
<http://www.epa.gov/oeca/ore/apolguid.html>

**Audit Policy Update Newsletter:**  
<http://www.epa.gov/oeca/ore/auditupd.html>

**Office of Compliance:**  
<http://www.epa.gov/oeca/main/compassst/index.html>

**Compliance Assistance Centers:**  
<http://www.epa.gov/oeca/main/compassst/compcenters.html#ccar>

**EPA's Small Business Gateway:**  
<http://www.epa.gov/smallbusiness/>

