

State of California
AIR RESOURCES BOARD

**15-day Notice of Public Availability of Modified Text
and Availability of Additional Document**

**ADOPTION OF AMENDMENTS TO CERTIFICATION AND TEST PROCEDURES
FOR VAPOR RECOVERY SYSTEMS AT
GASOLINE DISPENSING FACILITIES (GDF) AND CARGO TANKS**

Public Hearing Date: July 25, 2013
Public Availability Release Date: March 3, 2014
Deadline for Public Comment Period: March 18, 2014

At its July 25, 2013 public hearing, the Air Resources Board (ARB or Board) approved the proposed amendments to sections 94011, 94014, and 94016, title 17, California Code of Regulations (CCR), which incorporate by reference vapor recovery definitions, certification procedures, and test procedures. The following documents are incorporated by reference in the regulations: *Certification Procedure for Vapor Recovery Systems of Cargo Tanks*, CP-204, last amended March 17, 1999; *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks*, CP-206, last amended January 9, 2013; *Volumetric Efficiency for Phase I Vapor Recovery Systems*, TP-201.1, last amended July 26, 2012; *Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks*, TP-204.1, last amended March 17, 1999; *Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks*, TP-204.2, last amended March 17, 1999; *Determination of Leaks*, TP-204.3, last amended March 17, 1999.

These amendments will harmonize California's cargo tank vapor recovery program requirements with existing federal requirements, and will address technical deficiencies with two test procedures used by ARB staff during certification of vapor recovery equipment for gasoline dispensing facilities. At the hearing, the Board adopted Resolution 13-32, in which it approved the originally proposed amendments and directed the Executive Officer to adopt the proposed amendments in accordance with section 11346.8 of the Government Code.

In Resolution 13-32, the Board instructs the Executive Officer to determine if additional conforming modifications to the proposed amendments are appropriate. If so, the Executive Officer is authorized to adopt such amendments in accordance with section 11346.8 of the Government Code, after making the modified text available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

The regulatory documents for this rulemaking, including Resolution 13-32, are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2013/cargo2013/cargo2013.htm>

This notice is an announcement of the opening of a **15-day comment period** in which the public may provide comments on proposed modifications to the Vapor Recovery and Cargo Tank Certification and Test Procedures.

Summary of Proposed Modifications

Attachments 1 through 4 to this notice contain proposed modifications to title 17, CCR, section 94016, and to certification and test procedures that are incorporated by reference therein.

Title 17, CCR, section 94016 has been amended to incorporate by reference the newly titled test procedure TP-206.4 – “Volumetric Efficiency of Phase I Systems for Aboveground Storage Tanks.” As explained in more detail below, staff initially proposed to amend TP-201.1 to address technical deficiencies encountered when using the procedure to test above ground storage tanks (AST), and to incorporate any other improvements to the procedure resulting from public comment. However, in light of public comments received, staff has determined that it is more appropriate to include the amendments initially proposed for inclusion in TP-201.1 into a separate test procedure, titled TP-206.4. This separate document addresses the technical limitations of using TP-201.1 for AST testing, contains the additional improvements resulting from public comments, and greatly enhances the clarity and readability of the amendments.

CP-206 – “Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks. All previous references to TP-201.1 have been amended to reference the proposed test procedure TP-206.4. For the reasons discussed below, the amendments originally intended for TP-201.1 and others resulting from public comment have now been grouped into a separate document, test procedure TP-206.4.

TP-201.1 – “Volumetric Efficiency of Phase I Systems”. All of the amendments that were initially proposed by staff have been removed. This document will remain unchanged from the July 26, 2012 version that is currently incorporated into the regulation by reference.

TP-206.4 - “Volumetric Efficiency of Phase I Systems for Aboveground Storage Tanks”. One of the two vapor recovery test procedures that ARB proposed to amend was TP-201.1. The amendments were intended to make the procedure appropriate for testing ASTs by addressing certain technical deficiencies encountered by staff during field testing, and making use of improved test equipment that is now available. However, comments received from the South Coast Air Quality Management District during the public comment period has prompted staff to improve upon the original proposal by devising a method to quantify standing loss emissions prior to conducting a Phase I transfer, then subtracting those emissions from the emissions observed in the time after the transfer is completed. The technical basis for this approach, and a description of the process that staff used to develop and test this approach, is included in Attachment

5: "Technical Support Document for the Development of Test Procedure TP-206.4, Volumetric Efficiency for Phase I Systems for Aboveground Storage Tanks."

In light of these modifications resulting from comments received, staff has determined that it is more appropriate to include the amendments initially proposed for inclusion in TP-201.1 into a separate test procedure, TP-206.4. TP-206.4 is based on TP-201.1 but addresses the standing loss emissions that are specific to ASTs. Thus TP-206.4 addresses the technical limitations of using TP-201.1 for AST testing, contains the additional improvements resulting from public comments, and greatly enhances the clarity and readability of the amendments. Consequently, the amendments that were originally proposed to TP-201.1 are being rescinded and TP-201.1 will remain unchanged from the current version (last amended July 26, 2012).

Title 17, CCR, section 94016, and CP-206 – "Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks" will also undergo minor amendments to incorporate and refer to the newly titled TP-206.4.

Additional Document Added to the Record

In the interest of completeness, staff has also added to the rulemaking record and invites comments on Attachment 5, "Technical Support Document for the Development of *Test Procedure TP-206.4, Volumetric Efficiency for Phase I Systems of Aboveground Storage Tanks.*" This document is also available at the following website: <http://www.arb.ca.gov/regact/2013/cargo2013/cargo2013.htm>

Submission of Comments

Written comments will only be accepted on the modifications described in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal Mail: Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the two forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo ó otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachments

1. 15-Day Modifications to Regulatory Text of Title 17, California Code of Regulations, section 94016
2. 15-Day Modifications to Text of CP-206 - "*Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks*"
3. 15-Day Modifications to Text of TP-201.1 – "*Volumetric Efficiency of Phase I Systems*"
4. Newly Proposed Test Procedure TP-206.4 - "*Volumetric Efficiency of Phase I Systems for Aboveground Storage Tanks*"
5. Technical Support Document for the Development of "*Test Procedure TP-206.4, Volumetric Efficiency for Phase I Systems for Aboveground Storage Tanks*"