State of California
AIR RESOURCES BOARD

Resolution 06-17

May 25, 2006

Agenda Item No.: 06-5-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board or ARB) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 41954 of the Health and Safety Code requires the Board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations with performance standards established by the Board;

WHEREAS, the Board's staff has identified improvements to three existing vapor recovery certification and test procedures – CP-201, TP-201.2I, and TP-201.2G – and to the D-200 "Definitions for Vapor Recovery Procedures," all of which were attached to the Initial Statement of Reasons released April 7, 2006 and are set forth in Attachment B hereto;

WHEREAS, the Board's staff has proposed a new certification test procedure for pressure/vacuum vent valves: TP-201.1E CERT, also included in Attachment B hereto;

WHEREAS, the Board's staff has proposed amendments to title 17, California Code of Regulations, section 94011, which incorporates by reference the identified revised and new vapor recovery certification and test procedures, as set forth in Attachment A hereto;

WHEREAS, title 17, California Code of Regulations section 94010 incorporates by reference D-200 "Definitions for Vapor Recovery Procedures"; necessarily implicit in staff's proposed amendments to D-200 is that title 17, California Code of Regulations, section 94010 be amended to reflect the new last amended date for D-200, as set forth in Attachment C hereto;

WHEREAS, title 17, California Code of Regulations, sections 94011 and 94167 both incorporate by reference TP-201.2G, "Bend Radius Determination for Underground Tank Vapor Return Piping"; necessarily implicit in staff's proposed amendments to TP-201.2G is that title 17, California Code of Regulations section 94167 also be amended to reflect the new amended date for TP-201.2G, as set forth in Attachment C hereto;

WHEREAS, the proposed amendments, and adoption of referenced new test procedure, are reasonable and necessary to achieve and maintain ambient air quality standards;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

WHEREAS, the Board has considered the preliminary impact of the proposed regulatory action on the economy of the state;

WHEREAS, the Board finds that:

> Amendment and adoption of the provisions of title 17, California Code of Regulations, as set forth in Attachments A and C hereto, and the incorporation of the proposed amended vapor recovery certification and test procedures as set forth in Attachment B hereto, are necessary and appropriate to satisfy the requirements of section 41954 of the Health and Safety Code;
>
> The actions taken herein will have no significant adverse environmental impacts; and
>
> There is no reasonable alternative considered by the Board or otherwise identified that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons or businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts amendments to title 17, California Code of Regulations, sections 94010, 94011, and 94167, and to the incorporated certification and test procedures, as set forth in Attachments A, B and C hereto.

BE IT FURTHER RESOLVED that the Executive Officer shall make appropriate nonsubstantive corrections and revisions to the vapor recovery certification and test procedures adopted or amended herein, prior to submitting them to the Office of Administrative Law.

Rec'd By
Office of the Secretary
OCT 12 2006
Resources Agency of California

I hereby certify that the above is a true and correct copy of Resolution 06-17, as adopted by the Air Resources Board.

Lori Andreoni

Lori Andreoni, Clerk of the Board

Resolution 06-17

May 25, 2006

Identification of Attachments to the Resolution

Attachment A:	Proposed amendments to section 94011, title 17, California Code of Regulations, as set forth in Appendix 1 of the Initial Statement of Reasons released April 7, 2006.
Attachment B:	Proposed Amendments to Vapor Recovery System Certification and Test Procedures, as set forth in Appendix 2 of the Initial Statement of Reasons released April 7, 2006.
Attachment C:	Proposed amendments to section 94010 and 94167, title 17, California Code of Regulations, reflecting updated amendment dates for D-200 "Definitions for Vapor Recovery Procedures," and TP-201.2G, "Bend Radius Determination for Underground Tank Vapor Return Piping."

ATTACHMENT C

Amend section 94010, title 17, California Code of Regulations, to read as follows:

§ 94010. Definitions.

The definitions of common terms and acronyms used in the certification and test procedures specified in Sections 94011, 94012, 94013, 94014 and 94015 are listed in D-200, "Definitions for Vapor Recovery Procedures," adopted April 12, 1996, as last amended ~~October 8, 2003~~ May 25, 2006, which are incorporated by reference.

NOTE: Authority cited: Sections 39600, 39601, 39607 and 41954, Health and Safety Code. Reference: Sections 39515, 41954, 41959, 41960 and 41960.2, Health and Safety Code.

Amend section 94167, title 17, California Code of Regulations, to read as follows:

§ 94167. Method for Bend Radius Determination for Underground Storage Tank Vapor Return Piping.

The test method for determining the bend radius for underground storage tank vapor return piping is set forth in the Air Resources Board's TP-201.2G, "Bend Radius Determination for Underground Storage Vapor Return Piping," adopted October 8, 2003, as last amended May 25, 2006, which is incorporated by reference. ~~(Adopted: October 8, 2003)~~

NOTE: Authority cited: Sections 39600, 39601, 39607 and 41954, Health and Safety Code. Reference: Sections 39515, 39516, 39605, 40001 and 41954, Health and Safety Code.

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

Notice of Decision and Response to Significant Environmental Issues

Item:	Public Hearing to Consider Proposed Adoption of a Test Procedure and Proposed Amendments to the Vapor Recovery systems at Gasoline Dispensing facilities (Service Stations)
Adopted by:	Resolution 06-17
Agenda Item:	06-5-3
Public Hearing Date:	May 25, 2006
Issuing Authority:	Air Resources Board
Comment:	No comments were received identifying any significant environmental issues pertaining to this item. The Staff Report identified no adverse environmental effects.
Response:	N/A
Certified:	Alexa Malik Alexa Malik Regulations Coordinator
Date:	9-12-06

Recv'd By
Office of the Secretary
OCT 12 2006
Resources Agency of California