State of California
AIR RESOURCES BOARD

Resolution 07-27

June 21, 2007

Agenda Item No.: 07-7-6

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board) 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 41950 of the Health and Safety Code requires the use of gasoline vapor emissions control equipment on stationary gasoline tanks with capacities of 250 gallons or more;

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, and requires the installation of Board certified vapor recovery systems;

WHEREAS, the Board has adopted Enhanced Vapor Recovery regulations for certification and testing of vapor recovery systems installed at gasoline dispensing facilities using underground storage tanks (service stations and similar facilities), as set forth in sections 94010-94015, and 94148-94167, title 17, California Code of Regulations (CCR), and the documents incorporated by reference therein;

WHEREAS, the Enhanced Vapor Recovery regulations adopted by the Board for certification and testing of vapor recovery systems installed at gasoline dispensing facilities were not applicable to aboveground storage tanks;

WHEREAS, the Board's staff has proposed one new certification procedure and three new test procedures for Enhanced Vapor Recovery systems installed at gasoline dispensing facilities using aboveground storage tanks (CP-206, TP-206.1, TP-206.2 and TP-206.3), all of which were attached to the Initial Statement of Reasons released May 4, 2007 and are set forth in Attachment A hereto;

WHEREAS, the Board's staff has proposed amendments to existing vapor recovery definitions and a test procedure; D-200 and TP-201.2, respectively, both of which were attached to the Initial Statement of Reasons released May 4, 2007 and are set forth in Attachment A hereto;

WHEREAS, the Board's staff has proposed adoption of title 17, California Code of Regulations, sections 94016 and 94168, as set forth in Attachment B hereto, which incorporate by reference the new certification and test procedures for Enhanced Vapor Recovery at gasoline dispensing facilities using aboveground storage tanks (CP-206, TP-206.1, TP-206.2 and TP-206.3);

WHEREAS, the Board's staff has proposed amendments to title 17, California Code of Regulations, sections 94010 and 94011, as set forth in Attachment B hereto, which incorporate by reference the revised vapor recovery certification and procedures (D-200 and TP-201.2);

WHEREAS, the proposed adoption and amendment of the referenced certification and test procedures 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 that 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 Attachment B hereto, and the incorporation of the proposed vapor recovery certification and test procedures as set forth in Attachment A hereto, are necessary and appropriate to satisfy the requirements of section 41954 of the Health and Safety Code;

The actions approved 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 approves the amendments to sections 94010, 94011, and the adoption of sections 94016 and 94168, title 17, California Code of Regulations, and the incorporated certification and test procedures, as set forth in Attachments A and B hereto, with the modifications described in Attachment C hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the above regulations as set forth in Attachments A and B hereto, with the modifications set forth in Attachment C hereto, and with such other conforming modifications and technical amendments as may be appropriate, after making the modified regulatory language and additional supporting documents and information available for public comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments regarding the modification and additional supporting documents and information as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if she determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to make available on the ARB Vapor Recovery webpage a report listing certified components/systems and their corresponding costs by no later than October 1, 2008 and again by no later than January 5, 2011. In addition, in these reports, staff is to evaluate the appropriateness of the regulatory effective dates based on availability of certified components/systems and their associated costs.

I hereby certify that the above is a true and correct copy of Resolution 07-27, as adopted by the Air Resources Board.

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Lori Andreoni

Lori Andreoni, Clerk of the Board

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June 21, 2007

Identification of Attachments to the Resolution

Attachment A: Proposed Amendments to Vapor Recovery Definitions, Certification and Test Procedures for Aboveground Storage Tanks, as listed in Appendix F of the Initial Statement of Reasons released May 4, 2007 and as separately available on May 4, 2007 as attachments to the Initial Statement of Reasons.

Attachment B: Proposed amendments to title 17, California Code of Regulations, sections 94010, 94011, 94016, and 94168, as set forth in Appendix B of the Initial Statement of Reasons released May 4, 2007.

Attachment C: Staff's Suggested Changes to the Original Regulatory Proposal for Certification and Test Procedures CP-206 and TP-206.3, distributed at the Board Hearing on June 21, 2007.

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

Notice of Decision and Response to Significant Environmental Issues

Item:	Vapor Recovery Aboveground Storage Tanks
Approved By:	Resolution 07-27
Adopted by:	Executive Order R-08-005
Agenda Item:	07-7-6
Public Hearing Date:	June 21, 2007
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:	Amy Whiting Amy Whiting, Regulations Coordinator
Date:	April 3, 2008

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