

State of California  
AIR RESOURCES BOARD

**PROPOSED AMENDMENTS TO ENHANCED VAPOR RECOVERY REGULATIONS  
TO STANDARDIZE GAS STATION NOZZLE SPOUT DIMENSIONS TO HELP  
ADDRESS STORAGE TANK OVERPRESSURE**

Resolution 18-46

**October 25, 2018**

Agenda Item No.: 18-8-4

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or 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 41954 of the Health and Safety Code requires the Board to adopt procedures, including performance standards for any system designed to control gasoline vapor emissions during gasoline marketing operations, that are reasonable and necessary to achieve and maintain applicable ambient air quality standards;

WHEREAS, the Board in 1996 adopted definitions of commonly used terms and acronyms used in vapor recovery certification and test procedures, as set forth in California Code of Regulations (CCR), title 17, section 94010, which incorporates by reference, D-200-Definition for Vapor Recovery Procedures;

WHEREAS, the Board in 2001 adopted Enhanced Vapor Recovery (EVR) regulations for the certification and testing of vapor recovery systems installed at gasoline dispensing facilities (GDFs), as set forth in CCR, title 17, section 94011, which incorporates by reference, CP-201-Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities;

WHEREAS, the Board in 2008 adopted EVR regulations for the certification and testing of vapor recovery systems installed at GDFs with aboveground storage tanks, as set forth in CCR, title 17, section 94016, which incorporates by reference, CP-206-Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks;

WHEREAS, the Board in 2015 adopted Enhanced Conventional Nozzle regulations for the certification and testing of nozzles installed at air district Phase II exempted GDFs, as set forth in CCR, title 17, section 94017, which incorporates by reference, CP-207-Certification Procedure for Enhanced Conventional (ECO) Nozzles and Low Permeation Hoses at Gasoline Dispensing Facilities;

WHEREAS, the Board has periodically updated the regulations to reflect improvements in vapor recovery technologies, to achieve additional emission reductions, to improve cost-effectiveness, and to clarify the requirements;

WHEREAS, CARB staff found that incompatibilities exist between some nozzles and newer vehicle fill pipes resulting in pressure-driven emission releases into the air caused by air ingestion at the nozzle, which promotes the evaporation of gasoline within the GDF storage tank headspace;

WHEREAS, staff is proposing amendments to CCR, title 17, sections 94010, 94011, 94016, and 94017, as set forth in Appendix A and the documents incorporated by reference by these regulations, as set forth in Appendices B, C, D, and E to the Initial Statement of Reasons (ISOR) released to the public on September 4, 2018, that would establish prescriptive dimensional standards for nozzle spout assemblies to improve compatibility with newer vehicle fill pipes and to reduce air ingestion;

WHEREAS, staff in a separate rulemaking is proposing performance and prescriptive standards for newer vehicle fill pipes that would improve compatibility between nozzles and fill pipes;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; CCR, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (CCR, title 17, sections 60000-60007);

WHEREAS, staff has determined the proposed amendments are exempt from CEQA under California Code of Regulations, title 14, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows that the amendments will enhance the environment by better protecting the public from health impacts associated with exposure to ozone and benzene, the regulatory process involves procedures for protection of the environment, and the amendments will not result in any significant adverse environmental impacts as described in Chapter VI of the ISOR;

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

WHEREAS, the Board finds that:

The proposed amendments are authorized by California law and satisfy the requirements of Health and Safety Code section 41954;

The proposed amendments were developed in an open public process, including consultation with affected parties, through numerous public workshops, including meetings, and other outreach efforts, and these efforts are expected to continue;

There exist adequate data to support the adoption of the proposed amendments and to establish that the amendments are necessary, and commercially and technologically feasible for nozzle spout assemblies;

The proposed amendments are necessary to attain and maintain ambient air quality standards and to reduce public exposure to benzene, a toxic air contaminant;

WHEREAS, the Board finds that:

The proposed amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, or income;

The economic impacts of the proposed amendments have been analyzed as required by California law and the conclusions and supporting documentation for this analysis are set forth in the ISOR;

The cost-effectiveness of the proposed amendments has been considered;

No reasonable alternatives to the amendments considered, or that have been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the amendments are proposed or to be as effective and less burdensome to affected entities than the proposed amendments; and

The proposed amendments are exempt from CEQA under CCR, title 14, section 15308 because substantial evidence in the record shows that they will enhance the environment by better protecting the public from health impacts associated with exposure to ozone and benzene, the regulatory process involves

procedures for protection of the environment, and the proposal will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves for adoption the proposed amendments to CCR, title 17, sections 94010, 94011, 94016 and 94017, as set forth in Attachment A and the documents incorporated by reference by these regulations, as set forth in Attachment B.

BE IT FURTHER RESOLVED that if there is a possibility that any modifications to the regulations made available for one or more 15 day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations at CCR, title 17, sections 60000-60007, and prepare written responses to any comments received raising significant environmental issues as necessary, to present to the Board for approval along with the final regulations.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulations are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulations, as set forth in Attachment A. If the Executive Officer determines that additional conforming modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information. The Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Executive Officer may present the regulations to the Board for further consideration if warranted, and if not, the Executive Officer shall take final action to adopt the regulations after addressing all appropriate conforming modifications.

I hereby certify that the above is a true and correct copy of Resolution 18-46 as adopted by the California Air Resources Board.

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Cristina Granados, Clerk of the Board

Resolution 18-46

October 25, 2018

**Identification of Attachments to the Board Resolution**

Attachment A: Proposed Modifications to the Regulations for Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities, California Code of Regulations, title 17, sections 94010, 94011, 94016, and 94017, as set forth in Appendix A to the Initial Statement of Reasons, released September 4, 2018.

Attachment B: Proposed Modifications to the Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities, as set forth in Appendices B through E to the Initial Statement of Reasons, released September 4, 2018.

\*Attachment A and B are NOT attached to the proposed resolution; they are simply described on this page.