Submission of the 2013 Amendments to the Cargo Tank Vapor Recovery Regulation into the California State Implementation Plan

Release Date: May 25, 2018
Hearing Date: June 28, 2018
Electronic copies of this report are online at https://www.arb.ca.gov/planning/sip/sip.htm. Alternatively, paper copies may be obtained from the Visitors and Environmental Services Center of the California Air Resources Board, located at 1001 I Street, Sacramento, California 95814, or by contacting CARB’s Office of Communications at (916) 322-2990.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette, or compact disc. Please contact CARB’s Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711 to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact CARB’s Bilingual Manager at (916) 323-7053.

This document has been prepared by the staff of the California Air Resources Board. Publication does not signify that the contents reflect the views and policies of the California Air Resources Board, nor do trade names or commercial products constitute endorsement or recommendation for use.

For questions, contact:

Austin Hicks, Air Pollution Specialist
South Coast Air Quality Planning Section
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Phone: (916) 322-8279
Email: austin.hicks@arb.ca.gov

Or

Carol Sutkus, Manager
South Coast Air Quality Planning Section
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Phone: (916) 322-1229
Email: carol.sutkus@arb.ca.gov
I. BACKGROUND

U.S. Environmental Protection Agency (U.S. EPA) requires the submission of State Implementation Plans (SIPs) for nonattainment areas classified as moderate or above to demonstrate that sources meet Reasonably Available Control Technology (RACT) level controls. U.S. EPA publishes Control Technique Guidelines (CTG) that establish RACT control limits for specific categories of sources that emit volatile organic compounds including the guidance entitled Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems that specifically addresses the gasoline cargo tank truck category.

The California Cargo Tank Vapor Recovery Regulation (California Code of Regulations (CCR) Title 17, section 94014, which incorporates by reference Certification Procedure 204 (CP-204) and Test Procedures 204.1, 204.2, and 204.3) is responsible for ensuring the reduction of volatile organic compound emissions from gasoline cargo tanks. Vapor recovery systems on cargo tanks capture the emissions produced during the transport and delivery of gasoline. In 2013, the California Air Resources Board (CARB or Board) proposed amendments to the certification and test procedures for vapor recovery systems on cargo tanks (2013 Cargo Tank Amendments). The 2013 Cargo Tank Amendments included revisions to the certification procedure and three test procedures for cargo tank equipment to control gasoline vapor emissions. Additionally, the 2013 Cargo Tank Amendments superseded previous certification and test procedures for equipment used on cargo tanks to control gasoline vapor emissions. The Board adopted the 2013 Cargo Tank Amendments at its July 25, 2013 public hearing and the Office of Administrative Law (OAL) approved the amendments on December 10, 2014. The 2013 Cargo Tank Amendments will satisfy the RACT SIP requirements for this source category in California.

II. STATE IMPLEMENTATION PLAN SUBMISSION

The 2013 Cargo Tank Amendments (approved by OAL in 2014) are the most recent amendments to the Cargo Tank Vapor Recovery Regulation. U.S. EPA guidelines require 30 days public notice that a regulation will be submitted into a state’s SIP. That notice was not given when the Cargo Tank Vapor Regulation was amended in 2014. Accordingly the federal notice requirement is being addressed with this item. Since the 2013 Cargo Tank Amendments did not include direction to be submitted into the California SIP, CARB staff is recommending the Board direct staff to submit the 2013 Cargo Tank Amendments into the California SIP. CARB staff will submit California Code of Regulations (CCR) Title 17, section 94014, which incorporates by reference Certification Procedure 204 (CP-204) and Test Procedures 204.1, 204.2, and 204.3 as a revision to the California SIP if the Board directs staff to do so.
III. ENVIRONMENTAL ANALYSIS

A. Introduction

This section provides the basis for CARB’s determination that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA). A brief explanation of this determination is provided in section B below. CARB’s regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State’s ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of CEQA (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an “Environmental Analysis” or “EA”) as part of the Staff Report prepared for a proposed action to comply with CEQA (17 CCR 60000-60008). If the proposal is finalized, a Notice of Exemption will be filed with California’s Office of the Secretary for Natural Resources.

B. Analysis

CARB has determined that the proposed action is exempt from CEQA under the “general rule” or “common sense” exemption (14 CCR 15061(b)(3)). The common sense exemption states a project is exempt from CEQA if “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The action being taken is administrative in nature. The 2013 Cargo Tank Amendments were adopted by CARB in 2013 and approved by OAL in 2014. When the 2013 Cargo Tank Amendments were adopted, the Board did not include direction for staff to submit the amendments into the California SIP. Staff recommends the Board direct staff to submit the 2013 Cargo Tank Amendments to U.S. EPA as a revision to the California SIP making this action administrative in nature.

C. Conclusion

Based on CARB’s review it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment; therefore, this activity is exempt from CEQA.
IV. STAFF RECOMMENDATION

CARB staff recommends that the Board:

1. Direct staff to submit the 2013 Amendments to the Cargo Tank Vapor Recovery Regulations as a revision to the California State Implementation Plan.