

UPDATED INFORMATIVE DIGEST

AMENDMENTS TO VAPOR RECOVERY CERTIFICATION AND TEST PROCEDURES FOR UNDERGROUND AND ABOVEGROUND STORAGE TANKS INCLUDING GASOLINE DISPENSING FACILITY HOSE REGULATION

Sections Affected: This action amends sections 94010, 94011, 94016, 94150, and 94168, title 17, California Code of Regulations (CCR), which incorporate by reference vapor recovery definitions, certification procedures, and test procedures.

The following documents referenced in the regulations are amended by this action:

1. *Definitions for Vapor Recovery Procedures*, D-200, last amended May 2, 2008
2. *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*, CP-201, last amended May 25, 2006
3. *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks*, CP-206, adopted May 2, 2008
4. *Volumetric Efficiency for Phase I Vapor Recovery Systems*, TP-201.1, last amended October 8, 2003
5. *Efficiency and Emission Factor for Phase II Systems*, TP-201.2, last amended May 2, 2008
6. *Determination of the Vehicle Matrix for Phase II Systems*, TP-201.2A, last amended February 1, 2001
7. *Test Procedure for In-Station Diagnostic Systems*, TP-201.2I, last amended May 25, 2006
8. *Pressure Drop Bench Testing of Vapor Recovery Components*, TP-201.2J, adopted October 8, 2003
9. *Determination of 2 Inch WC Static Pressure performance of Vapor Recovery Systems of Dispensing Facilities*, TP-201.3, last amended March 17, 1999
10. *Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks*, TP-206.3, adopted May 2, 2008

The following test procedure has been incorporated by reference:

1. *UL 330 (7th ed) - Underwriters Laboratories' Standard for Hose and Hose Assemblies for Dispensing Flammable Liquids*, December 16, 2009.

Background: The Air Resources Board (Board or ARB) certifies vapor recovery equipment that is used throughout California in service stations, also referred to as gasoline dispensing facilities (GDFs). Vapor recovery equipment reduces hydrocarbon emissions that lead to the formation of ozone, and controls benzene which has been identified as a toxic air contaminant. These reductions and controls play an important role in protecting public health and achieving clean air.

In March 2000, ARB approved Enhanced Vapor Recovery (EVR) regulations for vapor recovery equipment used for GDFs with underground storage tanks (UST). EVR regulations established new performance standards and specifications for vapor recovery systems to further reduce emissions during storage and transfer of gasoline at GDFs. EVR regulations were subsequently amended by the Board in 2001, 2002, 2004, and 2006 in part to update the regulations in response to new vapor recovery control technology, and to improve the applicability and accuracy of test procedures used for certifying vapor recovery equipment and for compliance determination on in-use equipment.

In June 2007, ARB approved EVR regulations for GDFs with aboveground storage tanks (AST). These regulations established new performance standards and specifications for vapor recovery systems for AST, which further reduce emissions during the storage and transfer of gasoline. AST EVR regulations generally mirrored EVR regulations for USTs with a few exceptions.

Description of Regulatory Action: On September 22, 2011, the Board conducted a public hearing to consider ARB staff's proposed regulations to amend existing vapor recovery certification and test procedures. After consideration of comments, the Board adopted Resolution 11-29 approving modifications to the certification and test procedures that are incorporated by reference.

The original proposal consisted of two significant changes to current EVR regulations. First, a new permeation limit of 10 grams per square meter per day was established for only those GDF hoses where liquid gasoline is in contact with outermost hose wall. Second, language was added to clarify the statute which provides existing facilities four years to upgrade their current vapor recovery systems to meet new or revised standards or specifications ("four year clock"). The start date of the "four-year clock" will be the date when the first system meeting the new or revised standards or specifications is certified. This will eliminate any confusion or uncertainty that industry may have about future upgrade deadlines. In addition to these two significant changes, a number of minor administrative changes were made to current certification and test procedures used by ARB to evaluate and certify vapor recovery equipment.

In accordance with section 11346.8 of the Government Code, Resolution 11-29 directed the ARB Executive Officer to incorporate modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period of at least 15 days. After the Board hearing, and after review of public comments received during the 45-day comment period, ARB staff made a change to the proposed language deleting an option for any person to request an engineering review when a vapor recovery system or component is thought to be incompatible. This deletion was based upon a determination that existing regulatory language addressed the concern of incompatibility. Staff also made various non-substantive and grammatical changes as authorized under section 11346.8(c) of the Government Code. These changes are described in the Final Statement of Reasons.

The entire rulemaking package was submitted to the Office of Administrative Law for review on July 31, 2012. The regulation was disapproved due to lack of clarity in the proposed language related to the “four year clock”. ARB staff removed the proposed “four year clock” amendments from CP-201 and CP-206, and instead amended the definition of “effective date” in D-200. These changes, which more clearly and concisely achieve the intent of the original proposal, were made available for a second supplemental comment period of at least 15 days. These changes are described in the Addendum to the Final Statement of Reasons.

Comparable Federal Regulations: There are no comparable federal regulations that certify gasoline vapor recovery systems for GDFs. However, amendments to ARB vapor recovery regulations have a nationwide impact because other states that mandate vapor recovery equipment at service stations typically require ARB certification of that equipment.