

State of California
AIR RESOURCES BOARD

Addendum to the Final Statement of Reasons for Rulemaking

**Public Hearing to Consider Amendments to Certification Procedures for
Vapor Recovery Systems at Gasoline Dispensing Facilities: Aboveground
Storage Tanks and Enhanced Conventional Nozzles**

Public Hearing Date: April 23, 2015
Agenda Items: 15-3-2
Addendum Prepared: January 11, 2016

I. BACKGROUND

On November 24, 2015, the Air Resources Board submitted the Final Statement of Reasons (FSOR) for the “Amendments to Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities: Aboveground Storage Tanks and Enhanced Conventional Nozzles” to the Office of Administrative Law (OAL) for its review and approval. In the course of its review, OAL identified two minor and nonsubstantive clarification issues. Each of these issues is addressed in turn below.

**II. MODIFICATIONS TO THE ORIGINAL SUMMARY AND RESPONSE TO
COMMENTS AND FINAL STATEMENT OF REASONS**

1. Comment from John Lawton:

OAL indicated that this comment appears to be directed at the certification procedures by ARB for vapor recovery equipment which appears relevant to this action and therefore should be responded to beyond stating that it does not pertain to the topic of this rulemaking activity.

Agency Response:

The commenter expressed concerns about the durability and longevity of the Moeller fuel line that is used in marine applications. The fuel line referenced by the commenter is installed within marine watercraft and not relevant to this rulemaking activity which is focused solely on equipment used at gasoline dispensing facilities. To date, ARB staff is not aware that Moeller Corporation designs or manufactures any products for use at a gasoline dispensing facility. With few exceptions, all gasoline dispensing facility hoses are subject to ARB vapor recovery regulations that require field testing of at least 180 days to demonstrate durability and longevity.

On February 19, 2015, ARB approved a separate regulation that adopted permeation standards for fuel lines used in marine vessel applications. This comment is related to that subject matter, so it is possible that the commenter intended to submit this comment in response to that marine watercraft rulemaking rather than this gasoline dispensing facility rulemaking (although the comment was not submitted during any noticed public comment period for the marine watercraft rulemaking). At this time, there are no longevity or repair standards for hoses used in marine applications. Staff will consider including such requirements in future rulemaking for marine watercraft.

2. **Comment from Kathi Crump:**

OAL noted that this comment is suggesting further amendments to D-200, which is a document being amended in this action and also appears to be directed at above ground storage tanks and relevant to this rulemaking. OAL indicated that t ARB should include explanation about the discussion with Ms. Crump if that discussion is what is justifying ARB's decision to address this in a separate rulemaking.

Agency Response:

The amendments to D-200 that were made during this rulemaking were limited to only those terms that were newly added to Certification and Test Procedures. The terms "remote" and "protected" were not introduced as part of this rulemaking and are not included in any of the Certification and Test Procedures for gasoline dispensing facilities, so it would not be appropriate or necessary to define those terms within D-200 as part of this rulemaking action. (The specific terms that Ms. Crump asked to be clarified are actually used within Executive Orders related to gasoline dispensing equipment, as described below.)

On August 12, 2015, ARB staff sent an e-mail to Ms. Crump explaining that responses to her comments requesting a definition for the terms, "remote" and "protected," will not be included in the rulemaking package because they are not related to the proposed rulemaking, as noted above. Staff stated that the San Joaquin Valley Air Pollution Control District has discretion in construing the meaning of "remote" since ARB has not defined it or issued any guidance on its usage. In regards to "protected," ARB has used the term in the Standing Loss Control Executive Orders VR-301 and VR-302 and Letter of Intent issued on April 25, 2014 (these documents can be found at <http://www.arb.ca.gov/vapor/eo-astslc.htm>). Staff indicated Ms. Crump's request would be considered in a future vapor recovery rulemaking. Ms. Crump indicated in a subsequent e-mail that the ARB staff response addressed her comments.