

UPDATED INFORMATIVE DIGEST

AMENDMENTS TO THE LIST OF EQUIPMENT DEFECTS THAT SUBSTANTIALLY IMPAIR THE EFFECTIVENESS OF GASOLINE VAPOR RECOVERY SYSTEMS

Sections Affected

Amendments to the Vapor Recovery Equipment Defects (VRED) List (last amended on June 11, 2012), incorporated by reference in California Code of Regulations (Cal. Code Regs.), Title 17, Section 94006(b).

Background

Health and Safety Code (Health & Saf. Code) section 41954 requires the Air Resources Board (ARB) to certify systems for the control of gasoline vapors, including storage and transfer, resulting from gasoline marketing operations, which include motor vehicle fueling operations. The certification is accomplished by the issuance of an Executive Order (EO) identifying the system that is certified and the conditions of certification. The sale or installation of an uncertified system is prohibited.

Section 41960.2 of the Health & Saf. Code requires the Executive Officer of ARB to 1) identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants, and 2) periodically update the VRED List to reflect changes in equipment technology or performance. The initial VRED List was developed in 1982 and most recently amended in 2012.

Air pollution control districts or air quality management districts (district) are responsible for inspecting local gasoline dispensing facilities (GDF) and enforcing vapor recovery violations involving equipment defects and performance test failures (Health & Saf. Code §§ 40752 and 41960.2(d) - (e)). When a district determines that a component contains a defect specified in the VRED List, the district shall mark the component "Out of Order." The law further states that no person shall use or permit the use of the component until the component has been repaired, replaced, or adjusted, as necessary, and the district has reinspected the component or has authorized use of the component pending reinspection.

Description of the Adopted Regulatory Action

The proposed regulations consist of amendments to the VRED List applicable to vapor recovery equipment used at GDFs to refuel motor vehicles in the following categories:

1. Inclusion of defects for equipment certified in Executive Orders (EO) signed since the 2012 amendment to the VRED List including:
 - a. Nozzles that allow fuel dispensing when the boot is not compressed,
 - b. VST Green Machine/HIRT Thermal Oxidizer Processor defects,
 - c. Vapor return line defects added to balance Executive Orders, and
 - d. Protected Aboveground Storage Tanks with Remote Dispensing defects;
2. New or amended defect verification procedures identified in EOs issued since the VRED List was last updated in 2012; and
3. Editorial changes to remove minor inconsistencies and to improve clarity.

The amendments to the current VRED List will enhance the ability to identify, repair, or replace equipment where those defects could significantly impair the effectiveness of the vapor recovery system. The amendments are needed to meet statutory requirements and will provide consistency between defects listed in EOs and those defects listed in the VRED List tables. This will enhance compliance by GDF operators and facilitate uniform enforcement by the districts.

District staffs, manufacturers' representatives, and private owners/operators representing GDFs have collaborated with ARB staff on the development of this update to the VRED List. Districts have provided valuable suggestions regarding technical information, identification of correct verification procedures, and clarification of listed defects.

The regulation as amended will ensure continued benefits to public health and safety, workers at and around GDFs, and the environment. The proposed action also increases the openness and transparency in businesses and government by clearly specifying the defects that air districts should look for when inspecting GDFs. The proposed action would have no effect on discrimination, fairness, or social equity.

Staff recommends that the ARB Executive Officer approve the proposed amendments to the VRED List.