

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

AMENDMENTS TO THE PORTABLE FUEL CONTAINER REGULATION

Public Hearing Date: February 18, 2016
Public Availability Date: August 15, 2016
Deadline for Public Comment: August 30, 2016

At its February 18, 2016 public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed amendments to sections 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.8, and 2467.9; and repeal of section 2467.7, title 13 California Code of Regulations, which strengthened ARB's current portable fuel container (PFC) certification process, required certification fuel to contain 10 percent ethanol, aligned aspects of ARB's PFC certification and test procedures with those of the United States Environmental Protection Agency (U.S. EPA), and streamlined, clarified, and improved the readability of ARB's certification and test procedures. CP-501 "*Certification Procedure for Portable Fuel Containers and Spill-Proof Spouts*"; TP-501 "*Test Procedure for Determining Integrity of Spill-Proof Spouts and Spill-Proof Systems*"; and TP-502 "*Test Procedure for Determining Diurnal Emissions from Portable Fuel Containers*" were also approved for adoption.

The Board directed the Executive Officer to determine whether additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to 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, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2016/pfc2016/pfc2016.htm>

The text of the modified regulatory language is shown in Attachment 1. The originally proposed regulatory language is shown in ~~striketrough~~ to indicate deletions and underline to indicate additions. New deletions and additions to the proposed language that are made public with this notice are shown in ~~double striketrough~~ and double underline format, respectively. Modifications to the originally proposed certification and test procedures are shown in Attachment 2 (Certification Procedure CP-501), Attachment 3 (Test Procedure TP-501), and Attachment 4 (Test Procedure TP-502).

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachments 1-4.

Summary of Proposed Modifications

Staff's proposed modifications in this document are summarized below and are set forth in detail in Attachments 1-4 of this notice. The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. Title 13, California Code of Regulations

- In section 2467.1, a number of definitions have been added or modified; the definition of "fuel" was changed so that all petroleum distillates are captured under the definition, rather than limiting the definition of fuel to specific blends. This will ensure that containers used for specialized fuels are also subject to the regulation.

The definition of "product family" was added to define a term used in proposed section - 2467.9 Records and Reports.

The definition of "Reactive Organic Gas (ROG)" was removed and replaced with "Total Organic Gases (TOG)," since emissions are measured gravimetrically, and therefore all evaporative emissions are captured and not just reactive organic gases.

- In section 2467.2(b), language was revised to clarify that portable fuel container systems shall still be certified to the existing certification procedure until the amendments are finalized.
- In section 2467.2, section (c) was added and existing language was revised to clarify that the criteria for certification will change to the amended certification procedure after the effective date of the regulation.
- In sections 2467.2(d) and (e), all recertification dates were pushed back six months to allow for additional time to comply with the 15-day changes to the certification procedure.
- In section 2467.4(a), "ROG" was replaced with "TOG."
- In section 2467.4(h), previously deleted language was added and "requirements" replaced "Performance Standards."

- In section 2467.7(b), an option was added for compliance testing without durability testing or preconditioning. This allowance harmonizes compliance testing provisions with U.S. EPA, and allows ARB to quickly identify noncompliant products.
- In section 2467.9, a "Records and Reports" section was added. This section requires manufacturers to submit annual reports which state total California sales for each model listed on each executive order. This addition will assist ARB with maintaining a representative PFC inventory.

2. *ARB Certification Procedure for Portable Fuel Container Systems, CP-501*

- In section 2, clarification was provided to specify that if more than the required six test containers are tested for certification, all must pass.
- Section 2 was also revised to require that independent test laboratories used for certification testing must be accredited to ISO/IEC 17025 standards.
- Section 2.9 was revised to clarify that portable fuel container systems shall demonstrate compatibility with section 4 of ASTM F852-08 and section 4 of ASTM F976-08.
- Section 3(a) was revised to require manufacturers to send 14 containers to ARB as part of the certification application package. ARB will then select 7 of these containers and submit them to the laboratory of the manufacturer's choosing for certification testing. This provision ensures that only containers submitted for certification will be tested.
- In section 3(h), the barrier type, minimum barrier thickness, and molding method used to manufacture PFCs are described, allowing comparison of production models of PFCs to what is declared in the certification application.
- In section 3(h), language was added that requires applicants to notify the Executive Officer of any change in the supplier(s) of portable fuel container system components, and declare that the replacement components will be identical to what was certified.
- Section 3(i) was added to require manufacturers to declare the quality assurance and quality control measures taken to ensure that production versions of PFC systems meet and maintain the certification standard.
- Section 3(j) was added requiring that an authorized representative of the applicant signing the certification application must state that the information submitted is accurate and complete.

- Section 4 incorporates language from previous section 3(d) explaining the actions to be taken following testing failures.
 - Section 4.4 was removed and replaced with section 3(j).
 - Section 8.1 was revised to only include items relevant to portable fuel container certification.
 - Section 8.5 was revised to correct the expected timeline and to use language more specific to portable fuel container certification.
3. *ARB Test Procedure for Determining Integrity of Portable Fuel Container Systems, TP-501*
- Section 2 was revised to remove language relating to the removed section (section 5.4 Pressurized Leak Test) and to add language relating to the added sections (Pressure Cycling Test, UV Exposure Test, and Slosh Test).
 - Section 3(c) was removed because the test requiring the listed equipment (section 5.4 was removed).
 - Section 5.1 was clarified that spouts shall be installed onto containers in accordance with the torque specification in ASTM F852-08 section 4 to ensure that there is consistency between test laboratories.
 - Section 5.4 Pressurized Leak Test was removed because some PFCs are not designed to be pressurized through the spout and would need to be drilled into or otherwise modified to conduct this test. In this case, the test would be conducted after diurnal testing and other leak checks have already been conducted, and would therefore be unnecessary. Additionally, the containers would not be able to go through any follow-up diurnal testing since they would have been modified.
 - In section 7, a statement was added giving the Executive Officer the right to require applicants of innovative systems to develop an alternative test procedure that demonstrates the intent of each test requirement not achieved due to the innovative design.
 - Figure 2 Elevated Pressure Test Setup was removed because the test requiring the setup was removed. References to Figure 3 were changed to Figure 2 to reflect this change.
 - Figure 3 Field Data Sheet was changed to Figure 2 and the Pressurized Leak Test table was removed because the Pressurized Leak Test was removed.

4. *ARB Test Procedure for Determining Diurnal Emissions from Portable Fuel Container Systems, TP-502*

- In sections 7(b), 7(c), 7(e), 7(i), 8(a), 8(c), and 9(b), it was clarified that spouts shall be installed onto containers in accordance with the torque specification in ASTM F852-08 section 4 to ensure that there is consistency between test laboratories.
- In sections 7 and 8, language was added allowing compliance tests to be performed without conducting durability testing or preconditioning of containers.
- In section 13, a statement was added giving the Executive Officer the right to require applicants of innovative systems to develop an alternative test procedure that demonstrates the intent of each test requirement not achieved due to the innovative design.

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantive.

These modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report. The modifications consist primarily of definition and provision clarifications intended to improve compliance, recordkeeping, and data reporting. Therefore, no additional environmental analysis or recirculation of the analysis is required.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Matthew Holmes, Air Resources Engineer, Testing and Certification Section, at (916) 322-8913 or Angus MacPherson, Manager, Testing and Certification Section, at (916) 445-4686.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than 5:00 p.m. on the due date to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

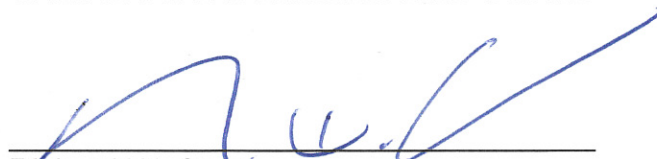
Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: August 15, 2016

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at www.arb.ca.gov.