State of California
AIR RESOURCES BOARD

Executive Order R-16-004

Relating to the Amendments to the Portable Fuel Container Regulation

WHEREAS, on February 18, 2016, the Air Resources Board (ARB or Board) conducted a public hearing to consider the proposed amendments to the Portable Fuel Container regulation, as set forth in Appendix A to the Initial Statement of Reasons released to the public on December 29, 2015;

WHEREAS, the environmental analysis prepared under ARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Staff Report concluded that the amendments are exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) because the evidence in the record shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment. Additionally, staff has determined the proposed amendments are exempt from CEQA under California Code of Regulations, title 14, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the evidence in the record shows that the amendments will enhance the environment by better protecting the public from health impacts associated with exposure to reactive organic gases, the regulatory process involves procedures for protection of the environment, and the amendments will not result in any significant adverse environmental impacts;

WHEREAS, following the public hearing, the Board adopted Resolution 16-2 in which the Board approved for adoption the amendments to sections 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, 2467.8 and 2467.9, title 13, California Code of Regulations, which incorporate by reference the following documents: CP-501, Certification Procedure for Portable Fuel Container Systems, TP-501, Test Procedure for Determining Integrity of Portable Fuel Container Systems, and TP-502, Test Procedure for Determining Diurnal Emissions from Portable Fuel Container Systems, as set forth in Attachments A, B, C and Attachment D of that resolution respectively;

WHEREAS, Resolution 16-2 directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;

WHEREAS, modified regulatory language and supporting documentation were circulated for a 15-day public comment period, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from August 15, 2016 through August 30, 2016; and

WHEREAS, no written comments were received during the initial 45-day comment period and one written comment letter was received for the supplemental 15-day comment period, and the comments were considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 16-2 are incorporated herein.

IT IS FURTHER ORDERED that amended sections 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, 2467.8 and 2467.9, title 13, California Code of Regulations, which incorporate by reference the following amended documents: CP-501, Certification Procedure for Portable Fuel Container Systems, "TP-501, Test Procedure for Determining Integrity of Portable Fuel Container Systems, and TP-502, Test Procedure for Determining Diurnal Emissions from Portable Fuel Container Systems are adopted as set forth in Attachments 1 through 4 to this Order.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 9th day of December 2016, at Sacramento, California.

Richard W. Corey
Executive Officer

Attachments

FILED
DEC 20 2016
Resources Agency of California