

State of California
AIR RESOURCES BOARD

**PROPOSED AMENDMENTS TO CALIFORNIA SPECIFICATIONS FOR FILL PIPES
AND OPENINGS OF MOTOR VEHICLE FUEL TANKS**

Resolution 18-47

October 25, 2018

Agenda Item No.: 18-8-5

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 43835 of the Health and Safety Code requires the Board to adopt specifications for the fill pipes and openings of motor vehicle fuel tanks to ensure that the size, design, and location of the fill pipes and openings permit adequate access to and interfacing with gasoline-dispensing nozzles for the purpose of vapor control;

WHEREAS, sections 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt emission standards and test procedures to control air pollution caused by motor vehicles;

WHEREAS, CARB staff found incompatibilities between some nozzles and newer vehicle fill pipes, resulting in air ingestion at the nozzle, evaporation of gasoline within the gasoline dispensing facility storage tank headspace, and pressure-driven emissions;

WHEREAS, staff has proposed the Amendments to California Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks, as set forth in Appendices A and B to the Initial Statement of Reasons (ISOR) released to the public on September 4, 2018;

WHEREAS, staff in a separate rulemaking is proposing prescriptive dimensional standards for nozzle spout assemblies to improve compatibility with newer vehicle fill pipes;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California

Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, 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 record evidence shows that the amendments will enhance the environment by better protecting the public from health impacts associated with exposure to ozone and benzene, the regulatory process involves procedures for protection of the environment, and the amendments will not result in any significant adverse environmental impacts as described in Chapter VI of the ISOR;

WHEREAS, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code; and

WHEREAS, the Board finds that:

The proposed amendments are authorized by California law and satisfy the requirements of Health and Safety Code section 43835;

The proposed amendments were developed in an open public process, including consultation with affected parties, through numerous public workshops, including meetings, and other outreach efforts, and these efforts are expected to continue;

There exist adequate data to support the adoption of the proposed amendments and to establish that the amendments are necessary, and commercially and technologically feasible for vehicle fill pipes;

The proposed amendments are necessary to attain and maintain ambient air quality standards and to reduce public exposure to benzene, a toxic air contaminant;

The proposed amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, or income;

The economic impacts of the proposed amendments have been analyzed as required by California law and the conclusions and supporting documentation for this analysis are set forth in the ISOR;

The cost-effectiveness of the proposed amendments has been considered;

No reasonable alternatives to the amendments considered to date, or that have been otherwise identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the amendments are proposed or be as effective and less burdensome to affected entities than the proposed amendments; and

The proposed amendments are exempt from CEQA under California Code of Regulations, title 14, section 15308 because substantial evidence in the record shows that they will enhance the environment by better protecting the public from health impacts associated with exposure to ozone and benzene, the regulatory process involves procedures for protection of the environment, and the proposal will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves for adoption the proposed amendments to the California Code of Regulations, title 13, section 2235, as set forth in Attachment A and the Proposed Modifications to the Specifications for Fill Pipes and Openings of 2015 and Subsequent Model Motor Vehicle Fuel Tanks, as set forth in Attachment B.

BE IT FURTHER RESOLVED that if there is a possibility that any modifications to the regulations made available for one or more 15 day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations at California Code of Regulations, title 17, sections 60000-60007, and prepare written responses to any comments received raising significant environmental issues as necessary, to present to the Board for approval along with the final regulations.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulations are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulations, as set forth in Attachments A and B. If the Executive Officer determines that additional conforming modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information. The Executive Officer shall 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. The Executive Officer may present the regulations to the Board for further consideration if warranted, and if not, the Executive Officer shall take final action to adopt the regulations after addressing all appropriate conforming modifications.

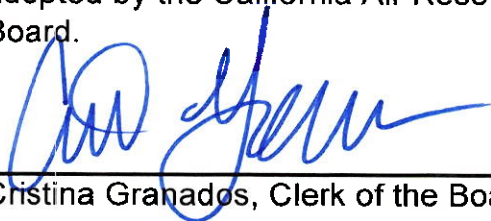
BE IT FURTHER RESOLVED that the Board hereby determines that the regulations adopted herein will not cause California motor vehicle emission standards, in the

aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the regulations to the United States Environmental Protection Agency with a request for a waiver or confirmation that the regulations are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 18-47 as adopted by the California Air Resources Board.



Cristina Granados, Clerk of the Board

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October 25, 2018

Identification of Attachments to the Board Resolution

Attachment A*: Proposed Modifications to the Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks, California Code of Regulations, title 13, section 2235, as set forth in Appendix A to the Initial Statement of Reasons, released September 4, 2018.

Attachment B*: Proposed Modifications to the Specifications for Fill Pipes and Openings of 2015 and Subsequent Model Motor Vehicle Fuel Tanks, as set forth in Appendix B to the Initial Statement of Reasons, released September 4, 2018.

*Attachment A and B are NOT attached to the proposed resolution; they are simply described on this page.