

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO CERTIFICATION PROCEDURES FOR VAPOR RECOVERY SYSTEMS FOR ABOVEGROUND STORAGE TANKS AT GASOLINE DISPENSING FACILITIES

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments to Certification Procedures and Definitions for Vapor Recovery Systems for Aboveground Storage Tanks (AST) at Gasoline Dispensing Facilities (GDF).

DATE: July 25, 2019

TIME: 9:00 A.M.

LOCATION: California Environmental Protection Agency
California Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., July 25, 2019, and may continue at 8:30 a.m., on July 26, 2019. Please consult the agenda for the hearing, which will be available at least ten days before July 25, 2019, to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on June 7, 2019. Written comments not physically submitted at the hearing must be submitted on or after June 7, 2019, and received **no later than July 22, 2019**. CARB requests that, when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerk of the Board, California 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 oral 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.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code § 41954. This action is proposed to implement, interpret, and make specific § 41954(a).

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, subd. (a)(3))

Sections Affected: Proposed amendment to California Code of Regulations, title 17, §§ 94010 and 94016.

Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)):

The following documents would be incorporated in the regulation by reference in California Code of Regulations, title 17, §§ 94010 and 94016, respectively:

- D-200 – Definitions for Vapor Recovery Procedures [insert amendment date]
- CP-206 – Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks [insert amendment date]

The above listed documents are also being amended by this regulation and thus the amendment date would be the date that the regulation is adopted by CARB.

In addition, the following document would be incorporated in the regulation by reference in D-200:

- Underwriters Laboratories Inc. (UL). UL-2085 Standard for Safety – Protected Aboveground Tanks for Flammable and Combustible Liquids. Edition 2, Revision 3; September 29, 2010.

Background and Effect of the Proposed Regulatory Action:

Gasoline vapors contain reactive organic gases (ROG), which can lead to ozone and smog formation, and benzene, which is a toxic air contaminant. Reducing ROG

emissions is an integral part of California's program for reaching its goal of attaining and maintaining federal and State ozone standards. In addition, reducing emissions is critical to reducing benzene health risk for people who live and work near GDFs.

To protect air quality and public health, CARB has adopted regulations to control gasoline vapor emissions at each step in the delivery of gasoline to end consumers. California's vapor recovery program controls emissions associated with the storage and transfer of gasoline from storage tanks at terminals or bulk plants to tanker trucks, from tanker trucks to storage tanks at GDFs, and from GDF tank to the vehicle's fuel tank during vehicle fueling. Phase I vapor recovery controls focus on emissions during transfer of fuel from cargo trucks to storage tanks. Phase II vapor recovery controls focus on reducing emissions during vehicle fueling by end consumers as gasoline travels from a storage tank, through a dispenser, and into a vehicle.

CARB and the air pollution control/air quality management districts (Air Districts) share responsibility for implementing the vapor recovery program. CARB staff certifies prototype vapor recovery systems installed at operating GDFs. State law requires that throughout California only CARB-certified systems be offered for sale, sold, and installed. Air District rules require GDF operators to install and maintain vapor recovery systems to prevent release of gasoline vapors that contribute to the formation of ozone and to reduce the public's exposure to benzene, a toxic air contaminant. Air District staff also conduct regular inspections to check that systems are operating as certified.

CARB approved Enhanced Vapor Recovery (EVR) regulations for GDFs equipped with underground storage tanks (UST) in March 2000, and for GDFs equipped with aboveground storage tanks (AST) in June 2007. An AST is a gasoline storage tank that is intended for permanent installations, is unburied and exposed to atmosphere, and can be located above or below grade. EVR regulations established new standards for vapor recovery systems to reduce emissions during storage and transfer of gasoline and to increase reliability of vapor recovery components. Phase-in of EVR standards for GDFs equipped with USTs began in 2001 and completed in 2010, and for GDFs equipped with ASTs began in 2009 and is still ongoing. For GDFs equipped with ASTs, Phase II EVR means any system that complies with performance standards or specifications adopted by CARB in the *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks* (CP-206). GDFs with Phase II systems not complying with CP-206 are defined as pre-EVR Phase II systems.

As technology-forcing regulations, the EVR standards were designed to force the development of emission control technologies that meet regulatory requirements. However, industry has developed only one Phase II EVR system that is certified by CARB for use at GDFs equipped with ASTs. That system is only compatible with a small subset of GDFs, and the subset has a wide range of annual gasoline throughputs. A recent survey of Air Districts indicates there are about 187 GDFs required by Air

District rules to install vapor recovery systems but have not yet upgraded to Phase II EVR systems. Compliance with existing regulations would require all AST GDFs with the prerequisite configuration upgrade to Phase II EVR by March 13, 2019, regardless of annual gasoline throughput. Reactive organic gases (ROG) and benzene emissions produced at AST GDFs are directly proportional to the amount of fuel the GDFs dispense.

The estimated cost to upgrade from pre-EVR Phase II to Phase II EVR is much higher than was estimated at the time of the EVR regulation adoption. Therefore, compliance with the Phase II EVR standards may place a disproportionate burden on AST GDF owners due to varying annual gasoline throughputs and high equipment replacement costs. The high costs of the upgrade would be borne by all of the applicable AST GDFs, regardless of their annual throughput and ROG and benzene emissions.

On April 23, 2015, the Board approved regulatory amendments that allowed the continued use of pre-EVR Phase I systems based upon U.S. Environmental Protection Agency Federal 8-HR Ozone Standards Attainment status, population density, and annual gasoline throughput, to allow for more cost-effective implementation of the AST EVR regulations. The amendments allowed for certain ASTs below set annual throughput thresholds that are located in federal ozone non-attainment areas to continue to use their current pre-EVR Phase I systems unless they are replaced with Phase I EVR.¹ The Phase II EVR requirements could not be addressed during the April 2015 hearing because the first system had only recently been certified and there was not enough time nor data for a cost-effectiveness analysis.

CARB staff is now proposing to make amendments to one of the AST vapor recovery certification procedures (CP-206) and definitions (D-200) that affect applicability requirements for existing AST GDFs required to upgrade to Phase II EVR systems by March 13, 2019. The proposed amendments to CP-206 would establish a delayed compliance schedule for certain existing AST GDFs to upgrade to Phase II EVR systems based upon the AST GDF being located in federal ozone non-attainment areas, and based upon the annual gasoline throughput of the AST GDF. The proposed amendments to CP-206 would include:

- In attainment areas, existing AST GDFs required by state and Air District rules to have Phase II vapor recovery systems can continue to use pre-EVR Phase II systems until the end of useful life unless they are replaced by a Phase II EVR system.² Existing AST GDFs located in attainment areas are exempted from

¹ CP-206, Section 2.4.4, allows AST GDFs to maintain their pre-EVR Phase I equipment until the end of useful life in attainment areas, unless that system is replaced by a system that meets the performance standards or specifications of CP-206. The replacement may be voluntary or required by district rules.

² Proposed language for CP-206, Section 2.4.4, would allow AST GDFs to maintain their pre-EVR Phase II equipment until the end of useful life in attainment areas, unless that system is replaced by a system

Phase II EVR requirements if vapor recovery is not required by the local Air District; and

- In nonattainment areas, existing AST GDFs required by state and Air District rules to have Phase II systems and with annual gasoline throughput of 480,000 gallons or less can continue to use pre-EVR Phase II systems until the end of their useful life. At the end of a system's useful life, the GDF must upgrade to a Phase II EVR system.

CARB staff proposes no changes to the compliance requirements for existing AST GDFs with an annual gasoline throughput greater than 480,000 gallons in nonattainment areas. These AST GDFs would continue to be required to upgrade to Phase II EVR systems by March 13, 2019.

The proposed amendments to CP-206 would address the concerns about Phase II EVR cost effectiveness and provide consistency with the changes made in 2015 to the Phase I EVR requirements.

In addition, CARB staff proposes amendments to D-200 that consist of four new definitions necessary to define terms used in the proposed amendments to CP-206 and within existing vapor recovery executive orders for ASTs. The proposed amendments include definitions for integral dispensing, remote dispensing, non-remote dispensing, and protected aboveground storage tank. The definition for protected aboveground storage tank refers to insulated ASTs that conform to the Underwriters Laboratories, UL-2085 Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids (September 29, 2010; Edition 2, Revision 3), and incorporates UL-2085 by reference. Defining these terms in D-200 provides clarity for implementation and enforcement.

CARB staff evaluated the difference between ROG emissions under existing EVR regulations and under the proposed amendments. The evaluation indicates the proposed amendments would allow a slight delay in emission reduction benefits compared to the implementation of the existing EVR regulations. Under existing EVR regulations, about 187 AST GDFs are required to upgrade to Phase II EVR by March 13, 2019, while under the proposed amendments, about 161 AST GDFs would be allowed to maintain their pre-EVR Phase II equipment until the end of useful life instead of being required to upgrade by March 13, 2019. Initially, the proposed amendments, as compared to the existing regulations, would see a short-term delay in the emission reduction benefits of the existing regulations. As pre-EVR Phase II systems on qualified AST GDFs reach the end of their useful life, they would be required to upgrade to Phase II EVR. CARB staff estimates that under the proposed

that meets the performance standards or specifications of CP-206. The replacement may be voluntary or required by district rules.

amendments, annual ROG emission reductions would equal those of the existing regulations by 2024.

The proposed amendments would not lead to the creation of any new ROG and benzene emissions and would not increase emissions compared to existing Phase II EVR regulations. The proposed amendments would require the AST GDFs with the highest throughput, and therefore the most emissions, to meet the existing compliance date of March 13, 2019. Of the approximately 187 AST GDFs that are currently required to upgrade to Phase II EVR by March 13, 2019, about 26 GDFs have an annual gasoline throughput greater than 480,000 gallons/year. These 26 GDFs account for the majority (approximately 68 percent) of gasoline throughput and associated emissions from the 187 GDFs currently required to upgrade to Phase II EVR. Requiring all 187 AST GDFs to spend approximately \$36,000 each to upgrade to Phase II EVR by March 13, 2019, would result in only about 23 percent more emission reductions before 2024, when the annual emission reductions of the proposed amendments are expected to equal that of the existing regulations.

Objectives and Benefits of the Proposed Regulatory Action:

The objective of the proposed amendments is to safeguard public health benefits by ensuring the emission rates envisioned for the Phase II EVR standards would be met while accomplishing the following benefits:

- Provide regulatory consistency between the Phase II EVR requirements and the Phase I EVR requirements, which were amended in 2015 to improve cost effectiveness; and
- Allow more time for about 161 owners of AST GDFs with smaller emissions to comply with the Phase II EVR requirements, which would provide some financial relief.

The proposed amendments would provide financial benefits in the form of net cost-savings of approximately \$1.3 million for about 50 businesses and 111 government agencies that own GDFs equipped with ASTs. The cost-savings are due to delays in the timing of Phase II EVR system installations and avoiding costs due to value lost when GDFs replace pre-EVR systems before the end of their useful life.

For further discussion of non-monetary benefits such as protection of public health and safety, and worker safety, please see the “Non-Major Regulation: Statement of the Results of the Economic Impact Assessment” section below.

CARB staff's proposal was developed through public process, with extensive input from local Air District staff, equipment distributors and installers, and equipment manufacturers. Staff informed, involved, and updated public stakeholders on staff's progress developing the proposed amendments. In 2017 and 2018, CARB staff held two public workshops in Sacramento about study findings and CARB staff's early draft

regulatory amendments. The workshops and informal pre-rulemaking discussions engaged interested parties and provided staff with useful information that they considered during the development of the regulatory amendments. In addition, staff posted workshop materials to a public webpage and distributed announcements and workshop materials through the CARB list serves that, based on individual subscribers to the list serves, reach more than 4,000 individuals. Staff sent out multiple emails providing announcements to upcoming workshops, a description of the proposed amendments, and contact information for relevant staff.

Comparable Federal Regulations:

There are no federal regulations or programs directly comparable to California's EVR program for GDFs with ASTs. California's existing EVR regulations already exceed federal requirements.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code § 11346.5, subd. (a)(3)(D)):

During the process of developing the proposed regulatory action, CARB staff conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED REGULATION

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):

Under Government Code §§ 11346.5, subdivision (a)(5) and 11346.5, subdivision(a)(6), the Executive Officer has determined that the proposed regulatory action would create costs and savings to any State agency, would not affect costs or savings in federal funding to the State, would create costs and savings (but not a mandate) to any local agency or school district, which are not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with § 17500), and would not create other nondiscretionary costs or savings to State or local agencies.

Direct and indirect costs and cost-savings related to the proposed amendments result from the delayed timing of requirements for GDFs to upgrade pre-EVR Phase II systems to Phase II EVR systems by about one to five years (until the end of the useful life of their pre-EVR systems). The proposed amendments directly affect about 161 GDFs throughout California, those with annual throughput less than or equal to 480,000 gallons per year. About 21 percent (about 34) of these 161 GDFs are owned by state agencies. The proposed amendments would provide a net cost-savings for

state agencies of about \$615,307 for fiscal years 2019/2020 through 2021/2022. The proposed amendments do not affect any federally funded State agency or program.

About 44 percent (about 71) of the 161 GDFs are owned by local governments. Upgrade delays would result in net cost-savings for the GDFs owned by local governments. Additionally, the proposed amendments could delay the timing of local Air District permitting activities for, and permit fee payments from, about 161 GDF owners by up to one to five years. The proposed amendments would provide a net cost-savings of about \$1,228,705 for fiscal years 2019/2020 through 2021/2022 for local governments. There is a net cost-savings of \$1,283,001 for local government-owned GDFs, and net cost of \$54,296 due to delayed permit fee revenue for local Air Districts, which is offset by additional revenue in later years. Should the Air Districts incur any costs, these costs are not reimbursable by the state because Air Districts can recover costs through services charges, fees, or assessments.

Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

The proposed amendments directly affect about 161 retail and non-retail GDFs throughout California. About 31 percent (about 50) of these GDFs are owned by businesses. The proposed amendments would reduce the cost of compliance with existing regulations for these businesses by delaying requirements to upgrade to Phase II EVR systems. The proposed amendments would provide a net cost-savings of about \$444,111 for these businesses.

The proposed amendments may adversely impact businesses that manufacture and install Phase II EVR system equipment. The proposed amendments would likely delay the timing of equipment sales and installation at about 161 facilities by up to one to five years. Per CARB Executive Order VR-501-B, there are four companies that manufacture components of the only Phase II EVR system certified by CARB for use in California by GDFs with ASTs with remote dispensing. Of the four companies, only one is based in California. Additionally, there are about 47 companies that could potentially be contracted by GDF owners to install Phase II EVR system upgrades. Costs due to delays in equipment manufacturer and installer revenues are fully offset by additional revenue in other years, resulting in no net cost difference under the proposed

amendments. The proposed amendments are expected to have no noticeable effect on the ability of California businesses to compete with businesses in other states.

Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter VIII of the ISOR.

NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Assessment in the ISOR.

Without the proposed amendments, the current Phase II EVR compliance schedule is anticipated to be economically infeasible for many GDFs, which could result in some businesses with ASTs reducing the number and salary of employees or going out of business. Under the proposed amendments, about 161 businesses and agencies with delayed Phase II EVR upgrade requirements would receive some financial relief through delayed compliance costs and avoidance of enforcement penalties that might be assessed under the existing regulations. The financial relief could potentially result in additional job growth. The proposed amendments are feasible and enforceable, and are not anticipated to cause businesses with AST GDFs to go out of business. It is unlikely that the delay in the purchase requirements for Phase II EVR systems would substantially change the business models of businesses with AST GDFs to the extent that new businesses are created. Because of this, relative to the existing regulations, there is expected to be no effect or slight growth in industries with ASTs.

The proposed amendments may negatively impact manufacturers and installers of Phase II EVR equipment by delaying the timing of equipment sales to about 161 GDFs by one to five years. The impact is expected to be negligible for the large out-of-state manufacturers and for the installers because they provide equipment and services for a variety of AST and UST systems. The single California-based equipment manufacturer that is a small business could experience elimination of one or more jobs.

Benefits of the Proposed Regulation:

The proposed amendments would provide benefits in the form of net cost-savings of about \$1.3 million for businesses and government agencies that own GDFs equipped with protected ASTs, Phase I EVR systems, pre-EVR Phase II systems, and remote

dispensing, that are required to upgrade their equipment by state and local Air District rules and have not yet done so. The proposed amendments would have no significant effect on emission reductions compared to existing regulations. The proposed amendments would allow more time for AST GDFs with smaller emissions to comply with Phase II EVR regulations and would improve regulatory consistency with the Phase I EVR regulations.

The proposed amendments would allow about 50 businesses and about 111 government agencies that own AST GDFs with annual gasoline throughput equal to or less than 480,000 gallons to delay upgrades to Phase II EVR systems until the end of the useful life of their pre-EVR systems. Such upgrade delays result in cost-savings for California GDFs associated with:

- Maintaining the value of pre-EVR Phase II systems that would have been lost if they were required to be replaced by March 13, 2019, about one to five years before the end of their useful life; and
- Delaying Phase II EVR equipment purchases, installation and permitting costs.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed amendments are not expected to have any health impact on California residents, worker safety, and the state's environment because the proposed amendments would not lead to the creation of any new ROG and benzene emissions and would not increase existing emissions over today's levels. The proposed amendments would cause a minor delay (by about five years) in the full emission reduction benefits that would be realized under the existing regulations.

The annual emission reduction benefits under the proposed amendments are expected to be the same as under existing regulations by 2024. The delayed emission reduction benefit would not have a significant impact on the health and welfare of California residents and worker safety because the proposed amendments would still require the largest GDFs, which have the most emissions, to continue to comply with the existing compliance date of March 13, 2019. About 187 AST GDFs are required to upgrade to Phase II EVR by March 13, 2019, and have not yet done so. Of these 187 AST GDFs, about 26 GDFs have throughput greater than 480,000 gallons/year. These 26 GDFs account for the majority (about 68 percent) of gasoline throughput and associated emissions from the 187 GDFs currently required to upgrade to Phase II EVR. CARB staff does not anticipate any cost or benefit to worker safety.

Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB staff is not aware of

any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

The typical business affected by the proposed amendments is a GDF with a protected AST with a Phase I EVR system, a pre-EVR Phase II system, and with remote dispensing. The proposed amendments would allow about 50 business-owned GDFs to delay upgrades to a Phase II EVR system until the end of the useful life of the Phase II pre-EVR system. During 2019-2027, estimated costs for a typical business-owned GDF average \$1,911 per year. Given there also is a cost-savings of about \$2,897 per year per business on average, the net effect on a typical business is a cost-savings of about \$987 per year.

Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):

The Executive Officer has also determined under California Code of Regulations, title 1, § 4, that the proposed regulatory action would affect small businesses.

The typical small business affected by the proposed amendments is a GDF with a protected AST with a Phase I EVR system, a pre-EVR Phase II system, and with remote dispensing. The proposed amendments would allow about 30 small business owners of AST GDFs by allowing them to delay upgrade to a Phase II EVR system until the end of useful life of the pre-EVR Phase II system. During 2019-2027, estimated costs for a typical business-owned GDF average \$1,911 per year. Given there also is a cost-savings of about \$2,897 per year per business on average, the net effect on a typical business is a cost-savings of about \$987 per year.

The proposed amendments may negatively impact one California small business that is a manufacturer of Phase II EVR equipment, and about 45 California small businesses that are equipment installers, that would experience delayed revenue under the proposed amendments. CARB staff estimated that the manufacturer and equipment installers would have costs due to delayed revenue in 2019 of \$1,594,560 and \$1,910,358, respectively. Costs due to revenue delays are fully offset by additional revenue in other years as AST GDFs allowed to maintain their pre-EVR Phase II equipment reach the end of the equipment's useful life and upgrade to Phase II EVR. CARB staff estimates that the delayed revenue costs for the California manufacturer and installers would be reconciled completely by 2024, resulting in no net cost difference under the proposed amendments compared to existing regulations.

Consideration of Alternatives (Gov. Code, § 11346.5, subd. (a)(13)):

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the

statutory policy or other provisions of law. CARB staff considered reasonable alternatives to the proposed amendments, as described in Chapter IX of the ISOR.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the proposed amendments, has prepared an environmental analysis (EA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The EA determined that the proposed regulatory amendments would not result in any significant adverse impacts on the environment. The basis for reaching this conclusion is provided in Chapter VI of the ISOR. Written comments on the EA will be accepted during a 45-day public review period starting on June 7, 2019 and ending on July 22, 2019.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code § 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing.

TTY/TDD/Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative, Donielle Jackson, Air Pollution Specialist, Vapor Recovery Regulatory Development Section, at (916) 445-9308 or (designated back-up contact) Merrin Wright, Manager, Vapor Recovery In Use Section, at (916) 324-6191.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: *Proposed Amendments to Certification Procedures for Vapor Recovery Systems for Aboveground Storage Tanks at Gasoline Dispensing Facilities*.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on June 4, 2019.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, (916) 445-9564. CARB staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

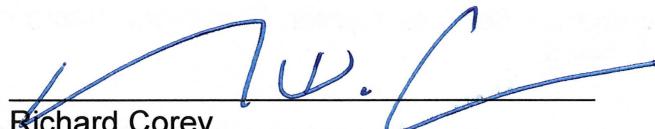
FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2019/ast2019>.

CALIFORNIA AIR RESOURCES BOARD



Richard Corey
Executive Officer

Date: May 21, 2019

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 our website at www.arb.ca.gov.