

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS REGARDING CERTIFICATION PROCEDURES AND TEST PROCEDURES FOR GASOLINE VAPOR RECOVERY SYSTEMS

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider adoption, amendment, and repeal of regulations for certifying and testing of gasoline vapor recovery systems installed at gasoline marketing operations (service stations and novel facilities (dispenses gasoline to vehicles in a non-traditional manner)), gasoline storage and distribution facilities (bulk plants and terminals), and transfer operations (cargo tanks which are vehicles used to transport gasoline).

DATE: June 29, 1995
TIME: 9:30 a.m.
PLACE: Air Resources Board
Hearing Room, Lower Level
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 29, 1995, and will continue at 8:30 a.m., June 30, 1995. This item may not be considered until June 30, 1995. Please consult the agenda for the meeting, which will be available at least 10 days before June 29, 1995, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed adoption of Title 17, California Code of Regulations (CCR), Sections 94010-94015 and Sections 94150-94160 which incorporate by reference certification procedures and test procedures identified below in bold type. Proposed repeal of Title 17, CCR, Sections 94000-94004, and 94007. Proposed amendments to Title 17, CCR, 94148, and 94149.

Background

To achieve and maintain applicable ambient air quality standards, Health and Safety Code (H&SC) Section 41954 requires the Board to adopt procedures for certifying systems designed to control gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations. Section 41954 further requires that only systems certified by the Board can be offered for sale, sold, or installed in California.

State law gives districts the primary responsibility for controlling air pollution from non-vehicular sources such as gasoline marketing, storage, and transfer operations. With the exception of cargo tanks, districts for compliance purposes are authorized by H&SC Section 41954(g) to adopt procedures and performance standards more stringent than those adopted by the Board. H&SC Section 39607(d) requires the Board to adopt test procedures to determine compliance with its non-vehicular emission standards and those of the districts.

Since 1975, the Board, pursuant to H&SC Sections 39607(d) and 41954, adopted four certification procedures and two test procedures (Sections 94000-94004 and 94007, Title 17, CCR). These procedures describe the criteria for certifying gasoline vapor recovery systems for service stations, bulk plants, terminals, and cargo tanks. The certification process consists of four basic steps: application, engineering evaluation, testing, and certification. The vapor recovery equipment manufacturer or facility operator (applicant) submits an application to the ARB describing the system and providing information to show that the performance standards can be achieved. The review by the ARB's staff consists of determining if the application is complete and identifying appropriate performance standards, appropriate performance specifications, and appropriate test procedures. Minimum performance standards (e.g., 90% control efficiency or 0.9 pounds per 1000 gallon of gasoline dispensed) are established by each certification procedure. Testing is performed by the ARB's staff to verify that the proposed system can meet the applicable performance standards. During the test, performance specifications are established for systems that comply with the performance standards. Performance specifications are used by the district and the ARB staffs to check that the installed systems meet the performance standards. If the test results show that the system complies with the performance standards, the ARB's Executive Officer certifies the system by issuing an Executive Order along with appropriate conditions and performance specifications.

Due to the large number of service stations, only prototype vapor recovery systems for service stations are certified. Performance specifications established during testing provide the link to verify that the installed system is operating properly. Actual vapor recovery systems for bulk plants, terminals, cargo tanks, and novel facilities are tested to ensure that the required performance standards are met.

Description of the Proposed Regulatory Action

The Board's staff is proposing to delete Title 17, CCR, Sections 94000-94004 and 94007. Sections 94000-94004 and 94007 incorporate, by reference, the following certification or test procedures:

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|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 94000 | Test Procedures for Determining the Efficiency of Gasoline Vapor Recovery Systems at Service Stations (first adopted December 9, 1975 and last amended September 1, 1982) |
| Section 94001 | Certification Procedures for Gasoline Vapor Recovery Systems at Service Stations (first adopted March 30, 1976 and last amended December 4, 1981) |
| Section 94002 | Certification and Test Procedures for Vapor Recovery Systems at Bulk Plants (first adopted April 18, 1977 and last amended September 12, 1990) |
| Section 94003 | Certification and Test Procedures for Vapor Recovery Systems at Gasoline Terminals (first adopted April 18, 1977 and last amended September 12, 1990) |
| Section 94004 | Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks (first adopted April 18, 1977 and last amended February 24, 1984) |

Section 94007 Test Procedures for Gasoline Vapor Leak Detection Using Combustible Gas Detector (first adopted September 1, 1982)

The Board's staff proposes to replace Title 17, CCR, Sections 94000-94004 and 94007 with Title 17, CCR, Sections 94010-94015. Sections 94010-94015 would incorporate by reference the following certification and test procedures as set forth below:

Section 94010 "D-200" - Definitions for Certification and Test Procedures for Vapor Recovery Systems (Adopted: [date of adoption])

Section 94011 "CP-201" - Certification Procedure for Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

"TP-201.1" - Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities without Assist Processors (Adopted: [date of adoption])

"TP-201.1A" - Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities with Assist Processors (Adopted: [date of adoption])

"TP-201.2" - Determination of Efficiency of Phase II Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

"TP-201.2A" - Determination of Vehicle Matrix for Phase II Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

TP-201.2B - Determination of Flow vs. Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

"TP-201.2C" - Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

"TP-201.3" - Determination of Two Inch (WC) Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

"TP-201.3A" - Determination of Five Inch (WC) Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities with Above-Ground Storage Tanks (Adopted: [date of adoption])

"TP-201.3B" - Determination of Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities with Above-Ground Storage Tanks (Adopted: [date of adoption])

"TP-201.4" - Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

"TP-201.5" - Determination of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

"TP-201.6" - Determination of Liquid Blockage of Phase II Vapor Recovery Systems of Dispensing Facilities (Adopted: [date of adoption])

Section 94012 "CP-202" - Certification Procedure for Vapor Recovery Systems of Bulk Plants (Adopted: [date of adoption])

"TP-202.1" - Determination of Emission Factor of Vapor Recovery Systems of Bulk Plants (Adopted: [date of adoption])

Section 94013 "CP-203" - Certification Procedure for Vapor Recovery Systems of Terminals (Adopted: [date of adoption])

"TP-203.1" - Determination of Emission Factor of Vapor Recovery Systems of Terminals (Adopted: [date of adoption])

Section 94014 "CP-204" - Certification Procedure for Vapor Recovery Systems of Cargo Tanks (Adopted: [date of adoption])

"TP-204.1" - Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks (Adopted: [date of adoption])

"TP-204.2" - Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks (Adopted: [date of adoption])

"TP-204.3" - Determination of Leak(s) (Adopted: [date of adoption])

Section 94015 "CP-205" - Certification Procedure for Vapor Recovery Systems of Novel Facilities (Adopted: [date of adoption])

"TP-205.1" - Determination of Efficiency of Phase I Vapor Recovery Systems of Novel Facilities (Adopted: [date of adoption])

"TP-205.2" - Determination of Efficiency of Phase II Vapor Recovery Systems of Novel Facilities (Adopted: [date of adoption])

Finally, the staff proposes to amend Title 17, CCR, Sections 94148 and 94149 that currently deal with the vapor recovery certification and test procedures for bulk plants and terminals. The proposed adoption of Title 17, CCR, Sections 94150-94160 would incorporate, by reference, the above mentioned definitions and test procedures for gasoline dispensing facilities, bulk plants, terminals, cargo tanks, and novel facilities.

Comparable Federal Regulation

There are no comparable federal regulations that certify gasoline vapor recovery system for service stations, bulk plants, cargo tanks, and novel facilities. The U.S. Environmental

Protection Agency (U.S. EPA) has established an emission limit of 0.29 pounds of hydrocarbons per 1000 gallons of gasoline dispensed (lbs/1000 gal) for gasoline distribution terminals. The proposal will change the performance standard for terminals from 0.90 to 0.29 to conform with federal requirements. For regions outside of California not meeting the federal ambient ozone standard, the U.S. EPA requires the installation of the ARB certified vapor recovery systems at service stations.

Rationale

The proposal will improve and update the existing vapor recovery systems certification and test procedures. In anticipation of new vapor recovery technologies, the proposed procedures provide the Executive Officer with guidance for evaluating new technologies not currently developed.

Each certification procedure references test procedures that are used to verify that the system complies with the applicable performance standards and to establish performance specifications. Performance specifications will be used by the district's or the ARB's staff to verify if the installed system are operating properly. Adoption of these procedures in Title 17, CCR, Sections 94148-94160 allows the districts to enforce the performance standards or performance specifications without the districts having to formally adopt the test procedures. Title 17, CCR, Section 94100 provides that test procedures adopted by the Board shall be used to determine compliance with non-vehicular emission standards of the Board or district except when a district has established its own test procedures concerning the same subject as a Board test procedure.

The control efficiency performance standard for vapor recovery systems at service stations remains at 90%. The applicant is given an option of whether to certify the system at 90% or 95%. The proposed test procedure for determining compliance with the performance standard is based on direct measurement rather than having the efficiency determined by a statistical technique.

The control efficiency performance standard for bulk plants remains at 90%.

The performance standards for terminals is changed from 0.9 to 0.29 to conform with the U.S. EPA's New Source Performance Standard (NSPS) for Bulk Gasoline Terminals. Since terminals must currently meet the NSPS, the proposed change will have no effect other than to bring the California standard into conformity with federal requirements.

For cargo tanks, the annual certification performance standards are revised by reducing the "allowed pressure change in five minutes" (five minute standard) by 50% as a function of tank capacity. The proposed requirements do not represent a change in stringency because cargo tank operators historically operate at the proposed limit. The staff also proposes a one-minute test for compliance testing. The one-minute test is easier to conduct and is less disruptive to the cargo tank operator because the one-minute test is conducted with fuel in a cargo tank whereas the five minute test requires an empty cargo tank.

The staff is proposing new certification and test procedures for "novel facilities." A "novel facility" is a facility other than a service station that dispenses gasoline to vehicles. Examples of "novel facilities" include above ground tanks, mobile refuelers, and dispensing bulk plants. The control efficiency performance standard is 90%. Applicants will have the option of deciding whether to certify the system at the 90% or 95% level.

Five workshops were held on March 26, 1992, October 29, 1992, April 1, 1993, November 16, 1993, and February 15, 1995, to allow the public opportunities to provide suggestions and comments as the proposed amendments to the certification and test procedures were developed. Through the workshop process, the ARB's staff resolved outstanding issues by adding clarifying language or deferring action until more test data are available to support regulatory action. The staff also discussed the proposed changes with the California Air Pollution Control Officer's Vapor Recovery Technical Committee for the purpose of maintaining communication among Districts, manufacturers, and other parties directly affected by vapor recovery regulations.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON:

The Board's staff has prepared a Staff Report on this proposal, which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990. The Board's staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries regarding this matter should be directed to George Lew, Monitoring and Laboratory Division, Air Resources Board, P. O. Box 2815, Sacramento, California 95812, (916) 263-1630.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code Section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other non-discretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

The Executive Officer has also determined that the potential cost impact on private persons or businesses directly affected by the proposed regulations will be insignificant, as defined in Government Code section 11346.5(a)(9).

In accordance with Government Code Section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business within California. The proposal does not change the performance standards except in two cases. By not changing performance standards companies currently marketing systems are not subject to decertification and recertification. In the two cases where performance standards would change, the proposed

performance standards are currently being met and no significant impact on existing marketed systems is anticipated.

The Board's Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulation will not effect small business because the revised procedures apply only to new systems seeking certification and do not affect current installed systems.

Before taking final action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The staff report states that maintaining the current vapor recovery regulations would not be appropriate because the existing procedures do not evaluate new vapor recovery technologies effectively, establish performance specifications for checking installed systems, or provide a framework for checking the installed systems consistently on a statewide basis.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, California 95812, no later than 12:00 noon, June 28, 1995; or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board 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.

Any party who previously submitted comments on the proposed certification and test procedures at the March 26, 1992, October 29, 1992, April 1, 1993, November 16, 1993, and February 15, 1995 workshops is advised that the comments must be resubmitted to be assured formal consideration by the Board during the comment period.

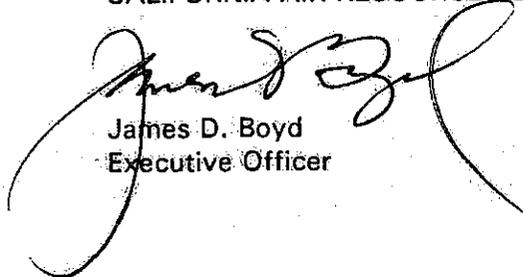
STATUTORY AUTHORITY AND HEARING PROCEDURES

These regulations are proposed under the authority granted in Health and Safety Code Sections 39600, 39601, 39607, 41954, and 41962. The regulations are proposed to implement, interpret, or make specific Health and Safety Code Sections 39515, 39516, 39605, 39607, 39666, 40001, 41954, 41959, 41960, 41960.2, and 41962.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code. Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the regulations as modified are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full text of the regulations with the modifications clearly

indicated will be made available to the public, for written comment, at least 15 days before they are adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

A large, stylized handwritten signature in black ink, appearing to read "James D. Boyd". The signature is written over the printed name and title.

James D. Boyd
Executive Officer

Date: May 2, 1995