

MEETING
BEFORE THE
CALIFORNIA AIR RESOURCES BOARD

COPY

HEARING ROOM
CALIFORNIA AIR RESOURCES BOARD
2020 L STREET
SACRAMENTO, CALIFORNIA

THURSDAY, JUNE 29, 1995

9:30 A.M.

Nadine J. Parks
Shorthand Reporter

MEMBERS PRESENT

John D. Dunlap, III, Chairman
Eugene A. Boston, M.D.
Joseph C. Calhoun
Lynne T. Edgerton
M. Patricia Hilligoss
John S. Lagarias
Jack C. Parnell
Ron Roberts
Doug Vagim

Staff:

Jim Boyd, Executive Officer
Tom Cackette, Chief Deputy Executive Officer
Mike Scheible, Deputy Executive Officer
Mike Kenny, Chief Counsel, Office of Legal Affairs

Bob Cross, Assistant Chief, Mobile Source Division
Susan Huscroft, Chief, On-Road Controls Branch, MSD
Bill Lovelace, Manager, Regulatory Strategy Section MSD
Steve Church, Staff, Regulatory Strategy Section, MSD
Diane Glazer, Staff Counsel, Office of Legal Affairs

Bill Loscutt, Chief, Monitoring & Laboratory Division
George Lew, Chief, Engineering & Laboratory Branch, MLD
James Loop, Staff, MLD
Jim Morgester, Chief, Compliance Division
Laura McKinney, Manager, Investigations & Certifications
Section, Compliance Division
Cindy Castronovo, Manager, Evaluation Section, MLD
Jim Ryden, Staff Counsel, Office of Legal Affairs

Michael Carter, Chief, Off-Road Control Regulations
Branch, MSD
Jack Kitowski, Manager, Toxics & Fuels Section, MSD
Annette Hebert, Staff, Toxics Fuels Section, MSD
Vicky Davis, Staff Counsel, Office of Legal Affairs

James Shikiya, Chief, Southern Laboratory Branch, MLD
Dean Simeroth, Chief, Criteria Pollutants Branch, SSD
Paul Rieger, Staff, Inorganic Analysis Section, MLD
Tom Jennings, Staff Counsel, Office of Legal Affairs

APPEARANCES, continued. . .

Lynn Terry, Acting Chief, Office of Air Quality
and Transportation Planning

Elizabeth Miller, Staff, Transportation Strategies
Group, OAQTP

Leslie Krinsk, Staff Counsel

Patricia Hutchens, Board Secretary

Wendy Grandchamp, Secretary

Wayne Rodgers, Chief, Administrative Services Division

Bill Valdez, Staff, Administrative Services Division

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1 MR. LAGARIAS: Aye.

2 MS. HUTCHENS: Parnell?

3 MR. PARNELL: Aye.

4 MS. HUTCHENS: Roberts?

5 SUPERVISOR ROBERTS: Aye.

6 MS. HUTCHENS: Vagim?

7 SUPERVISOR VAGIM: Aye.

8 MS. HUTCHENS: Chairman Dunlap?

9 CHAIRMAN DUNLAP: Aye.

10 MS. HUTCHENS: Passes 9-0.

11 CHAIRMAN DUNLAP: Very good. Thank you. I'd like
12 to thank staff for a fine presentation. Mr. Lovelace, Mr.
13 Church, appreciate it very much.

14 All right. That takes us to the second item on
15 the agenda, 95-6-2, public hearing to consider the adoption,
16 amendment, and repeal of regulations regarding certification
17 procedures and test procedures for gasoline vapor recovery
18 systems.

19 Most of us are familiar with vapor recovery
20 nozzles that we use to fill our vehicles with gasoline.
21 This is only one example of a gasoline vapor recovery
22 system. Gasoline vapor recovery systems reduce hydrocarbon
23 emissions by an estimated 150,000 tons and save 49 million
24 gallons of fuel annually in our State.

25 The ARB has been a leader in this area in

1 implementing vapor recovery systems for over 20 years. A
2 major part of the success of this program has been based on
3 the systematic approach taken to test and certify vapor
4 recovery equipment.

5 In recent years, new innovative system designs
6 have been developed. These user-friendly designs or
7 components like "bootless" nozzles are often incompatible
8 with existing certification and test procedures.

9 In order to ensure that all designs, systems, and
10 components are certified and tested in an equitable manner,
11 staff is proposing revisions of the certification and test
12 procedures for vapor recovery systems.

13 Updated procedures are being proposed for systems
14 associated with all aspects of the gasoline marketing chain,
15 including large terminals, intermediate transfer facilities
16 known as bulk plants, cargo tanks, and, of course, service
17 stations.

18 Supervisor Roberts and I had a chance in San Diego
19 to see a new vapor recovery system to learn first-hand about
20 the certification process. And we welcome any changes
21 that'll make it more efficient.

22 So, with that, I'd like to ask Mr. Boyd to
23 introduce this item and begin the staff's presentation.

24 MR. BOYD: Thank you, Chairman Dunlap.

25 Let me begin with a very brief overview of how the

1 California vapor recovery program operates. Under
2 California law, the Air Resources Board is directed to
3 certify vapor recovery systems which meet certain
4 performance standards.

5 The certification process is carried out by the
6 Air Resources Board's Compliance Division. Our Monitoring
7 and Laboratory Division is responsible for preparing the
8 certification and the testing procedures. And, as many of
9 you know, California's local air pollution control
10 districts, which have primary responsibility for stationary
11 sources of emissions, have adopted regulations requiring ARB
12 certified vapor recovery systems for the control of both
13 hydrocarbon emissions for ozone control and benzene
14 emissions -- benzene being a toxic air contaminant -- thus,
15 for control of that emission source.

16 The districts have compliance programs to ensure
17 that installed vapor recovery systems are indeed operating
18 correctly. In preparing these updated procedures,
19 considerable input has been provided by others, including
20 the businesses which manufacture these systems, that sell
21 them, buy them, and use such systems and, of course, from
22 the local air pollution control districts.

23 Before the staff's presentation for this agenda
24 item, I'd like to mention two items that surfaced during the
25 development of the proposed procedures.

1 First, as another part of today's agenda, the
2 Board will consider whether or not to implement the federal
3 on-board vapor recovery program, which is intended to
4 control gasoline transfer emissions at gasoline dispensing
5 facilities.

6 Our Research Division has issued a request for
7 proposals to investigate the interaction of the on-board
8 vapor recovery systems with the existing vapor recovery
9 systems at service stations.

10 The second issue is related to possible seasonal
11 effects on the certification testing and characterization of
12 fugitive emissions. This issue was raised in the course of
13 developing the revised procedures that are before you today.

14 Frankly, there is insufficient technical
15 information available at this time to deal with this issue.
16 Accordingly, the subject will also be the subject of a
17 proposed research contract.

18 Your staff will continue to work on improvements
19 to the procedures even beyond today's Board item. However,
20 we feel it's necessary to adopt the proposed procedures to
21 allow certification of new technologies that have been
22 mentioned before.

23 With that, I'd like to turn the presentation over
24 to Ms. Cindy Castronovo of our Monitoring and Laboratory
25 Division, who will present to you today the staff's

1 recommendation.

2 Cindy?

3 MS. CASTRONOVO: Thank you, Mr. Boyd. Good
4 morning, Chairman Dunlap, members of the Board.

5 My presentation today will describe the vapor
6 recovery program, the vapor recovery system certification
7 process, and summarize our rationale for the proposed
8 revisions to the vapor recovery certification and test
9 procedures.

10 Vapor recovery is a control strategy for reducing
11 hydrocarbon emissions during gasoline refueling and transfer
12 operations.

13 The vapor recovery program was initiated in the
14 early 1970s to reduce the formation of ozone in
15 nonattainment areas.

16 In 1987, the use of vapor recovery systems was
17 expanded statewide as part of ARB's air toxic control
18 measure for benzene emissions.

19 In California, uncontrolled hydrocarbon emissions
20 from gasoline marketing operations are estimated at 450 tons
21 per day. Vapor recovery systems reduce hydrocarbon
22 emissions by an estimated 410 tons per day or 150,000 tons
23 per year, and save 49 million gallons of gasoline annually.

24 Gasoline vapor control systems also reduce
25 exposure to benzene, reducing benzene cancer incidence

1 attributable to gasoline vapor exposure by an estimated 83
2 percent.

3 Vapor recovery systems are used at various
4 facilities inn the gasoline marketing chain. Each facility
5 type has a separate certification procedure. I'll describe
6 each type of facility in the next few slides.

7 As you know, gasoline is produced at refineries
8 then loaded onto ships or trains or dispensed through
9 pipelines to large storage tanks at terminal facilities.
10 The terminals have loading racks for dispensing gasoline to
11 cargo trucks. The loading rack also recovers displaced
12 gasoline vapors from the cargo tank and directs the vapors
13 to a control device.

14 The control device is usually a condenser which
15 condenses the vapors back to liquid gasoline.

16 There are about 40 terminals in California, most
17 of them located at refineries or near a gasoline pipeline.
18 Each terminal facility vapor recovery system is individually
19 certified through testing by ARB's Compliance Division.

20 A bulk plant is similar to a terminal, in that it
21 consists of a loading rack and gasoline storage tanks,
22 although the gasoline tanks are normally smaller.

23 The main difference is that the bulk plant
24 receives gasoline from a cargo tank instead of a pipeline,
25 ship, or train. The approximately 200 bulk plants in

1 California are thus intermediate gasoline transfer
2 facilities which are often found in rural or remote areas.

3 While terminals are operated by gasoline producers
4 and distributors, bulk plants are mostly operated by small
5 businesses who sell to farmers, construction companies, and
6 fleet operators.

7 Each bulk plant vapor recovery system is
8 individually certified through testing by ARB's Compliance
9 Division. Each cargo tank is equipped with its own vapor
10 recovery system. A separate certification procedure is
11 provided for cargo tank systems.

12 Each cargo tank is tested annually to main its
13 certification.

14 The largest use of vapor recovery systems is at
15 the approximately 14,000 gasoline dispensing facilities,
16 commonly referred to as service stations or gas stations.

17 The vapor recovery systems at these facilities are
18 divided into two parts -- Phase I and Phase II.

19 Phase I, shown here, involved the transfer of
20 gasoline from the cargo truck to the service station
21 underground storage tank. The vapors displaced during
22 filling are routed back to the cargo tanks. That's why you
23 observe two separate lines when a cargo tank is making a
24 delivery -- one to dispense gasoline, the other to collect
25 vapor.

1 Phase II vapor recovery applies to the fueling of
2 vehicles at a dispensing facility. This is the type of
3 vapor recovery with which we are most familiar as the vapor
4 recovery system is operated by us, the customer filling our
5 vehicle.

6 The first Phase II systems were primarily the
7 booted balance systems. But in recent years, the trend has
8 been towards bootless nozzles. The display located behind
9 you has been provided to give a sense of how the nozzle
10 portion of the vapor recovery system has evolved over the
11 last 20 years to lighter, more useful friendly nozzles.

12 The continued improved design of the Phase II
13 systems is the primary reason we are here to update the
14 certification and test procedures.

15 Because it would not be cost-effective to certify
16 every service station, a prototype system seeking
17 certification is installed at a dispensing facility in the
18 Sacramento area and undergoes testing observed by the
19 Compliance Division.

20 As a summary, this slide shows the overall vapor
21 recovery process. The bottom of the slide illustrates the
22 liquid gasoline pack, and the top shows how vapor displaced
23 during vehicle fueling eventually makes its way back to the
24 terminals where the vapor is condensed and recovered.

25 Also, note that Phase I is the term used to

1 describe all transfer operations involved a cargo tank, and
2 Phase II is reserved for transfer of gasoline to vehicles.

3 The existing procedures cover certification of
4 terminals, bulk plants, cargo tanks, and gasoline dispensing
5 facilities. We have also been asked to consider
6 certification of nontraditional gasoline transfer
7 operations.

8 One example shown here is the direct fueling of
9 vehicles from a cargo tank. This means of fueling vehicles
10 might be desired by a fleet operator in order to fuel
11 vehicles while still parked in the lot. To accommodate this
12 and other nontraditional gasoline transfer operations, we
13 have included a new certification for novel facilities that
14 will allow the use of existing vapor recovery system
15 components to be applied to new situations and certified on
16 a case-by-case basis.

17 This concludes my overview of the gasoline
18 marketing facilities. Now I will focus on the certification
19 and test procedure revisions.

20 Staff proposes to revise the existing vapor
21 recovery certification and test procedures by adoption of
22 five certification procedures, one for each major facility
23 type and also a new certification procedure for novel
24 systems.

25 The 19 test procedures include updated versions of

1 existing procedures as well as new tests created for
2 determining the performance of vapor recovery systems.

3 Twelve of the 19 test procedures are applicable to
4 vapor recovery systems at gasoline dispensing facilities. A
5 separate set of definitions has also been developed to
6 clarify terminology used throughout the certification and
7 test procedures.

8 The ARB is required by law to certify vapor
9 recovery systems which are sold, offered for sale, or
10 installed in California. The primary purpose of these
11 proposed procedures is to allow ARB to carry out this
12 mandate through the Compliance Division certification
13 program.

14 These procedures are also used by vapor recovery
15 system equipment manufacturers to design products which must
16 meet the certification standards. The procedures are also
17 of interest to the major purchasers of vapor recovery
18 systems, which are the gasoline producers and distributors.

19 Local districts do not conduct certification
20 tests, but use the test procedures for compliance assurance.
21 For example, the procedures are used to verify proper
22 installation of a service station vapor recovery system as
23 might required by a district authority to construct.

24 Certain procedures may also be referenced in
25 district rules as required tests to be conducted

1 periodically to assure the system is operating effectively.

2 Why are we proposing revisions to the existing
3 certification and test procedures? As mentioned previously,
4 the vapor recovery program is over 20 years old. Many of
5 the existing procedures date from the early days of the
6 program.

7 Vapor recovery systems have changed dramatically,
8 especially in the last few years. And for many new systems,
9 the existing procedures cannot be applied without
10 modification.

11 Since we expect continued innovation in vapor
12 recovery system design, the procedures should be flexible
13 enough to accommodate anticipated future systems. Finally,
14 there is increased demand from the districts for simple
15 tests which can be used to check vapor recovery system
16 performance on a periodic basis.

17 The revisions proposed address these needs.

18 As already mentioned, ARB uses the certification
19 procedures to certify vapor recovery systems. The
20 certification procedures contain minimum criteria which must
21 be met, which are expressed as performance standards. The
22 certification procedures also describe various performance
23 specifications and reference appropriate test procedures as
24 I'll describe later.

25 The staff report contains tables which detail the

1 various performance standards for each type of facility.
2 This slide emphasizes that we are not proposing changes to
3 the performance standards for service stations and bulk
4 plants. Vapor recovery systems at these facilities must
5 meet a minimum of 90 percent control efficiency.

6 I should note that almost all systems for
7 dispensing facilities have been certified at 95 percent
8 rather than 90 percent in order to meet more stringent
9 efficiency requirements imposed in most districts.

10 However, we are proposing revised performance
11 standards for terminals and cargo tanks. The primary
12 performance standard for terminals is proposed to be reduced
13 from 0.9 to 0.29 pounds of hydrocarbons per thousand gallons
14 to make California requirements consistent with U.S. EPA new
15 source performance standards.

16 The approximately 40 terminals in California have
17 already met this standard for many years. The primary
18 performance standard for cargo tanks is a vapor leak limit.
19 All cargo tanks must be leak tested annually and then may be
20 spot checked during the year.

21 Industry has opted for the last ten years to
22 voluntarily observe a more stringent annual leak limit in
23 order to ensure they will pass the compliance checks. This
24 is to avoid the costs of having to bring the cargo tank out
25 of service for repair and retesting. This revision does

1 incorporate current industry practice into the procedures
2 and allow sources to credit real and enforceable emission
3 reductions.

4 The performance specification is a new term for a
5 common certification practice already authorized by the
6 existing procedures. Currently, ARB first checks to make
7 sure the vapor recovery system meets the performance
8 standards.

9 If so, critical components of the system are
10 identified and ranges of acceptable values for these
11 parameters are derived from test data and documented as
12 acceptable operation parameters or performance
13 specifications. For example, a vapor return hose must be
14 able to operate even when some vapors condense to liquid
15 gasoline in the line.

16 The liquid blockage test is used to set this
17 performance specification.

18 The districts use the performance specification
19 and the associated test methods in checking the operation of
20 installed systems. The test procedures are used to measure
21 whether the performance standards are met and also to
22 determine appropriate performance specifications.

23 State law requires that existing systems be
24 decertified and must undergo recertification when the
25 performance standards are revised. No new certification

1 testing will be required for any existing facility.

2 Terminals and cargo tanks will undergo
3 administrative recertification as the existing systems
4 already are documented to meet the proposed new performance
5 standards.

6 As the performance standards for dispensing
7 facilities in bulk plants have not changed, no
8 recertification is required. The revised procedures will
9 apply to new systems seeking certification only.

10 The proposed revised procedures represent a
11 tremendous effort on the part of staff and numerous affected
12 groups, which include the districts, vapor recovery
13 manufacturers, and facility operators.

14 Five public workshops were held as well as
15 numerous meetings with affected parties. The staff would
16 like to acknowledge the assistance provided by the CAPCOA
17 Vapor Recovery Technical Committee -- in particular, Ken
18 Kenuniak (phonetic) of the Bay Area Air Quality Management
19 District, who was the original author of several of the
20 proposed procedures.

21 A survey was mailed to approximately 10,000
22 facilities, mostly service stations, to collect information
23 on possible economic impacts of the proposed revisions. No
24 significant impacts were found.

25 The staff finds no adverse economic impact,

1 primarily because existing certification holders will not be
2 required to retest if the revised procedures are adopted.
3 As performance standards are either not being changed or
4 being changed only to reflect current practice, no emission
5 reductions can be attributed to the procedure revisions.

6 However, some emission reductions may occur due to
7 improved monitoring of in-use systems using the proposed
8 test procedures.

9 In summary, we would like to reiterate that the
10 existing procedures are not adequate to meet the needs of
11 today's technology. We have worked with all interested
12 parties over the past few years to revise the procedures to
13 meet the needs of the vapor recovery system manufacturer,
14 the vapor recovery system customer, and the air pollution
15 agencies.

16 We believe the revised procedures can be used
17 successfully to accommodate future technologies. We
18 anticipate no significant adverse economic or environmental
19 impacts if the revised procedures are adopted.

20 Finally, I understand that in a recent visit to
21 San Diego, several Board members became aware of industry
22 concerns regarding the vapor recovery system certification
23 process. The adoption of the revised procedures will
24 facilitate the existing certification process and should
25 expedite future certifications as the new procedures address

1 many aspects of the newer technology which are not
2 considered in the existing procedures.

3 Before I close, I'd like to mention that we will
4 be preparing a package of 15-day changes based on comments
5 received during the 45-day comment period.

6 This concludes my presentation.

7 CHAIRMAN DUNLAP: Very well done. Thank you.

8 Any questions or comments by the Board members?

9 There was, if I might illuminate the comment, I
10 appreciate you making mention that several of us who were in
11 San Diego heard -- I don't want to call it a complaint; it
12 sounds too harsh -- but there was a manufacturer that made a
13 vapor recovery system, a nozzle, that wanted it certified
14 rapidly.

15 And they felt that, while the result came out just
16 fine -- they were certified -- they thought that, if they
17 could have got it quicker, they could have sold more units.
18 So, that was the nature of the concern. They didn't quibble
19 with the completeness of the analysis or any of that.

20 And I appreciate your following up.

21 We do have a letter, though, here from the County
22 of San Diego, the APCO there. And it's fairly
23 comprehensive. And so, during the course of our discussion
24 here, I'd like for you to address as many of those issues as
25 you can.

1 Supervisor, did you want to --

2 SUPERVISOR ROBERTS: Well, I was going to wait
3 till after the public testimony --

4 CHAIRMAN DUNLAP: Okay.

5 SUPERVISOR ROBERTS: -- and request that maybe
6 staff could respond to the points that Mr. Sommerville
7 raised in that letter.

8 CHAIRMAN DUNLAP: All right. That would be fine.

9 Why don't we go ahead then. I'll call the first,
10 or the only witness, Donald Gilson from WSPA.

11 It's my understanding that there has been no
12 written testimony. This will be oral remarks.

13 Good morning.

14 MR. GILSON: Good morning. Mr. Chairman, members
15 of the Board, and staff members, my name is Don Gilson. And
16 I'm here representing the Western States Petroleum
17 Association, or WSPA.

18 WSPA is a trade association that represents more
19 than 30 companies in the Western U.S. Many of our companies
20 conduct business in California and are directly impacted by
21 ARB regulations regarding vapor recovery.

22 WSPA supports the adoption of the revised
23 regulations regarding certification and test procedures for
24 gasoline vapor recovery systems. Speaking as end users of
25 the entire range of vapor recovery systems covered by the

1 proposal before you today, we appreciate the opportunities
2 we have had to provide input on the new procedures.

3 Through the public workshop process and in
4 personal discussions, the staff of the Monitoring and
5 Laboratory Division have been attentive to our concerns and
6 responsive to our comments.

7 WSPA supports ARB certification and test
8 procedures, because they provide a common sense method for
9 standardizing vapor recovery performance and equipment
10 requirements, not only in California but in the numerous
11 States across the country that reference the certifications
12 in their regulations.

13 WSPA supports the use of innovative field test
14 methods that provide practical ways for operators to verify
15 compliance and effectively reduce emissions.

16 I'd like to mention just two examples. One test
17 procedure, TP-201.3, which is in that thick book we all
18 have: This is a two-inch water column static pressure decay
19 test for service stations. It provides a quick and
20 effective test of vapor tightness. It can be performed in
21 five minutes. It allows the pressure vacuum valve to be
22 left on the vent line at the station, and it reduces
23 emissions to one-fifth the level of the older 10-inch water
24 column test.

25 Another example of creativity is the test

1 procedure TP-204.2, the one-minute static pressure
2 performance test for cargo tanks.

3 As the name implies, the test only takes one
4 minute and replaces the old hit-or-miss sniffer test that
5 requires climbing on or under the truck while checking for
6 leaks. The one-minute test provides a true indication of
7 truck vapor tightness and significantly reduces the number
8 of false leak indications that are prevalent with the
9 sniffer test.

10 In closing, we have appreciated the chance to work
11 with Arb staff during the developments of these proposed
12 regulations, and we urge that you adopt them as submitted to
13 you by the staff.

14 Thank you.

15 CHAIRMAN DUNLAP: Very good. Thank you.

16 Supervisor?

17 SUPERVISOR ROBERTS: I don't know who it would be
18 appropriate to address the points that Mr. Sommerville
19 raised, but somebody can respond to them.

20 I presume you have a copy of his letter.

21 CHAIRMAN DUNLAP: Yeah, we have no more oral
22 testimony. Would you like -- would you like then to start
23 with the San Diego letter?

24 MS. CASTRONOVO: I'll give a general response, and
25 then we can go on to point by point, if you wish to do that.

1 We received a letter from San Diego Air Pollution
2 Control District, which states the revised procedures
3 contain significant improvements, but do not meet all of
4 their concerns.

5 San Diego has asked us to evaluate these concerns
6 and propose additional changes within one year. Some of the
7 issues by San Diego will also be addressed in the proposed
8 research contracts which were previously described.

9 As to the others, we'll be happy to work with the
10 districts through the CAPCOA Vapor Recovery Committee to
11 address these concerns. As mentioned already, we do expect
12 to return to the Board if the research results or other
13 information warrant further modifications.

14 Are there any -- is there any -- the San Diego
15 letter had six points that they brought up. Is there any
16 one in particular that you want me to focus on?

17 SUPERVISOR ROBERTS: Would you just run through
18 them quickly, if you could?

19 MS. CASTRONOVO: Okay.

20 SUPERVISOR ROBERTS: There was also a couple
21 things at the end that weren't enumerated.

22 MS. CASTRONOVO: Okay. Their first comment talks
23 about using the boot method or the sleeve method for
24 balance-type vapor recovery systems, they say, because it
25 interfered with the normal way customers handle the vapor

1 recovery nozzle. This is kind of a -- it's already covered
2 in our test procedures under the challenge mode testing
3 that's done.

4 What San Diego would like is to certification
5 tests to be done under all conditions that could possibly be
6 done by the customer. For example, some customers will pull
7 their hose over on the top of their truck, put it in on the
8 other side, and may hold the nozzle upside down while
9 they're trying to fuel.

10 And some people think, well, maybe this
11 certification procedure should have a more standardized-type
12 fueling. So, the balance between a real world situation and
13 a standardized certification test is what the issue is here.

14 And we would like to keep some of the real world
15 element in there, because this is how we find the problems,
16 because people do use the vapor recovery nozzles in
17 different ways, and we want to make sure our testing does
18 see the whole spectrum of use.

19 For San Diego, that's what the first comment
20 involves. We'll research it further with them.

21 Okay. The second one involves the pressure decay
22 test that Don Gilson just mentioned. And they're saying
23 that the test has some flaws, and that here's differences in
24 environmental factors that can affect the pressure, other
25 than just what's happening under the -- in the underground

1 storage tank.

2 This is one of the topics to be addressed in the
3 research contract that we mentioned about seasonal effects.
4 And so, we hope to take care of it in that arena.

5 The third comment is a similar item which San
6 Diego says, "Actual system efficiencies cannot be determined
7 without considering the influence of ambient conditions."

8 Again, that is the seasonal effects research
9 contract. We hopefully will take care of it there.

10 Number four goes back to the pressure decay leak
11 test, and talks about how different things that happened in
12 the service station can affect the measurement of that test.
13 And we do realize that. And if you read through the test
14 procedure, you do need to shut down the station to conduct
15 this test to minimize the complicating factors, and also you
16 have to wait a certain amount of time after a bulk delivery
17 of gasoline to minimize the complications.

18 So, we think that we have taken care of that issue
19 already, but we will discuss it further with San Diego.

20 Number five I have a good answer for, because we
21 have already made that change, and it will be in our 15-day
22 package. It talks about capping the liquid fill risers at
23 the point where the cargo tanks make their fill. And that
24 change has already been made.

25 Number six talks about the air to liquid test

1 which is done on the bootless nozzles. It says that the
2 test needs further evaluation, and alternatives should be
3 developed. We do agree with this statement. We are looking
4 at alternatives to this test; however, the test method is
5 needed now, because the bootless nozzles are being
6 certified, and we do have some ideas about how to improve
7 the test.

8 San Diego also talks about some safety concerns
9 about bringing air into the underground tank. We need to
10 talk to them about how they generated these numbers. We, in
11 our calculations, come up with a much lower number, and we
12 need to discuss with them and resolve this issue.

13 The last issue that's sort of outside the six
14 points that talks about MSD, I think maybe we've already
15 passed this comment on to MSD and they may address it during
16 their presentation on the on-board.

17 SUPERVISOR ROBERTS: Okay. Thank you.

18 CHAIRMAN DUNLAP: Very good. Do you want to cover
19 any of the other written communications that we received on
20 this item?

21 MS. CASTRONOVO: We have two other letters from
22 Gilbarco, who's a vapor recovery system manufacturer. They
23 support the revised procedures, but they recommend minor
24 revisions to clarify certain technical points. And we
25 intend to incorporate most of Gilbarco's recommended

1 revisions as part of the 15-day package.

2 CHAIRMAN DUNLAP: Okay. Very good. Mr. Boyd,
3 does staff have any further comments?

4 MR. BOYD: I just have one comment, Mr. Chairman.
5 I'm very happy that Ms. Castronovo was able to address Mr.
6 Sommerville's concerns, in that his letter was only dated
7 and received yesterday.

8 CHAIRMAN DUNLAP: Right.

9 MR. BOYD: So, a message will go back to Mr.
10 Sommerville asking him -- since this item has been around a
11 long time -- to try to give us a little more leadtime.

12 SUPERVISOR ROBERTS: I'd be glad to take that
13 message back to him.

14 (Laughter.)

15 SUPERVISOR ROBERTS: He mentioned this to me a few
16 days ago, but I had presumed that you had it for some time.
17 I appreciate you being prepared with those answers. And I
18 will see that he's more timely in his future letters.

19 MR. BOYD: Thank you. Rich will understand.

20 CHAIRMAN DUNLAP: Yes, we think that the
21 Supervisor's quite capable of delivering that message.

22 Okay. If there's nothing else from staff, I will
23 now close the record on this agenda item; however, the
24 record will be reopened when the 15-day notice of public
25 availability is issued as mentioned.

1 Written or oral comments received after this
2 hearing date but before the 15-day notice is issued will not
3 be accepted as part of the official record on this agenda
4 item.

5 When the record is reopened for a 15-day comment
6 period, the public may submit written comments on the
7 proposed changes which will be considered and responded to
8 in the final statement of reasons for the regulation.

9 Again, just a reminder to Board members of our
10 policy regarding ex parte communications, while we may
11 communicate off the record with outside persons regarding
12 Board rulemaking, we must disclose the names of our contacts
13 and the nature of the contents on the record.

14 This requirement applies specifically to
15 communications which take place after notice of the Board
16 hearing has been published.

17 Are there any communications which you need to
18 disclose?

19 (There was no response.)

20 CHAIRMAN DUNLAP: Okay. Very good.

21 We'll now take up this item. We have a resolution
22 before us. Colleagues on the Board have had a moment to
23 review it. Is there a motion?

24 MR. LAGARIAS: Mr. Chairman, I move adoption of
25 Resolution 95-27.

1 SUPERVISOR ROBERTS: I'll second it.

2 CHAIRMAN DUNLAP: Very good. We have a second --
3 a motion and a second.

4 Is there any further discussion by members of the
5 Board on the item?

6 Okay. Very good. I'll ask the Board Secretary to
7 please take the roll call for a vote on Resolution 95-27.

8 MS. HUTCHENS: Boston?

9 DR. BOSTON: Yes.

10 MS. HUTCHENS: Calhoun?

11 MR. CALHOUN: Aye.

12 MS. HUTCHENS: Edgerton?

13 MS. EDGERTON: Aye.

14 MS. HUTCHENS: Hilligoss?

15 MAYOR HILLIGOSS: Aye.

16 MS. HUTCHENS: Lagarias?

17 MR. LAGARIAS: Aye.

18 MS. HUTCHENS: Parnell?

19 MR. PARNELL: Yes.

20 MS. HUTCHENS: Roberts?

21 SUPERVISOR ROBERTS: Aye.

22 MS. HUTCHENS: Vagim?

23 SUPERVISOR VAGIM: Aye.

24 MS. HUTCHENS: Chairman Dunlap?

25 CHAIRMAN DUNLAP: Aye.

1 MS. HUTCHENS: Resolution passes 9-0.

2 CHAIRMAN DUNLAP: Thank you. The third item on
3 the agenda today is 95-6-3, public hearing to consider the
4 adoption of on-board refueling vapor recovery standards and
5 test procedures and modifications to evaporative test
6 procedures applicable to 1998 and subsequent model year
7 passenger cars, light-duty trucks, and medium-duty vehicles.

8 The 1990 Federal Clean Air Act amendments directed
9 the U.S. EPA to adopt standards and test procedures for on-
10 board refueling vapor recovery called ORVR. After several
11 years of workshops and research, the U.S. EPA has adopted
12 the ORVR regulations for new light-duty vehicles and trucks
13 beginning in the 1998 model year.

14 The new ORVR rule will apply to all light-duty
15 vehicles and trucks manufactured and sold in the 50 States,
16 unless an exemption by the U.S. EPA for a particular State.

17 The ARB has investigated the application of ORVR
18 in the State of California. Before us for consideration
19 today, staff has a proposal that includes adoption of the
20 U.S. EPA's ORVR standards and test procedures.

21 In addition to these regulations, we're also to
22 consider proposed amendments to the California evaporative
23 test procedures necessary to align the ORVR testing scheme
24 with the evaporative testing sequence.

25 Finally, for clarification purposes, and for