

UPDATED INFORMATIVE DIGEST

ONBOARD REFUELING VAPOR RECOVERY (ORVR) COMPATIBILITY EXTENSION

Sections Affected: This action amends section 94011, title 17, California Code of Regulations (CCR), and portions of the Vapor Recovery Certification Procedure, CP-201, as last amended August 6, 2004.

Background: The Air Resources Board (Board or ARB) certifies the vapor recovery equipment that is used in service stations, also referred to as gasoline dispensing facilities (GDFs). Control of the emissions of air pollutants from GDFs is necessary to reduce hydrocarbon emissions that lead to the formation of ozone and to control emissions of benzene, a constituent of gasoline vapor that has been identified as a toxic air contaminant. The ARB is currently implementing the Enhanced Vapor Recovery (EVR) program, which requires that vapor recovery systems be compatible with fueling vehicles equipped with onboard refueling vapor recovery (ORVR) by April 1, 2005. The EVR program also requires several additional vapor recovery system standards to be met by April 1, 2009.

Reasons for Amendment: Gasoline marketers, service station operators, air pollution control districts and many vapor recovery equipment manufacturers notified the ARB that more time is needed for existing service stations to upgrade equipment to meet the April 1, 2005, ORVR compatibility deadline. Gasoline marketers have been waiting for a manufacturer to develop and obtain the ARB's certification of a vapor recovery system that meets all EVR requirements to avoid having to upgrade equipment twice, once to meet the April 1, 2005, ORVR compatibility standard and then a second time to meet the remaining EVR standards.

The first EVR Phase II system is expected to be certified by February 2005 at the earliest. Under the current ORVR compatibility deadline, existing service stations would have one month or less to complete the required upgrades once an EVR Phase II system is certified. During this time, an estimated 3,500 stations would need to choose an EVR or ORVR compatible system, apply and obtain permits, retain a contractor, and install the vapor recovery equipment. Because obtaining the necessary permits alone may take one to three months, it is not feasible to upgrade thousands of service stations by the current April 1, 2005, deadline.

EVR effective and operative dates applicable to new facilities have been delayed previously when it has taken longer than anticipated to certify a system complying with all EVR requirements. The existing regulations allow the Executive Officer to issue executive orders allowing continued installation of pre-EVR systems when the Executive Officer determines that EVR systems are not commercially available. Executive Order G-70-203 extended the EVR Phase II system deadline for new installations from April 1, 2004, to October 1, 2004. Executive Order G-70-205 further extended the EVR Phase II implementation date to January 1, 2005, and the in-station diagnostics (ISD) implementation date to April 1, 2005. These Executive Order actions have been included as amendments in this action to provide

consistency in the regulation.

Description of Regulatory Action: At a public hearing on November 18, 2004, the ARB considered and approved the amendments proposed by staff. This action amends the regulations to extend the ORVR compatibility deadline for existing GDFs and to amend other EVR regulation compliance dates to be consistent with the extensions provided in Executive Orders G-70-203 and G-70-205. Staff has determined that an ORVR compatibility phase-in schedule extension of up to 11 months will provide sufficient time for all stations to comply with all of the EVR requirements in an orderly process. In addition, this extension also enables the installation of a full EVR Phase II system before the ORVR compatibility deadline. Staff also revised the effective date for in-station diagnostics (ISD) for medium throughput stations to April 1, 2006, to maintain the ISD phase-in schedule.

Staff's amendments change the implementation schedule of the Enhanced Vapor Recovery program. These revisions do not impose additional standards or relax existing standards, but provide more time for gasoline dispensing facility operators to comply with existing requirements.

Staff's amendments revise Table 2-1 of CP-201, "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities," and modify title 17, CCR, sections 94011, which incorporates CP-201 by reference.

Comparable Federal Regulations: There are no comparable federal regulations that certify gasoline recovery systems for service stations; however, changes to ARB vapor recovery regulations have a national impact. ARB certification is required by most other states which mandate Phase I or Phase II vapor recovery at service stations.