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# Air Resources Board

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## Draft Vapor Recovery Defects List

As required by Assembly Bill 1164, the Air Resources Board (ARB or Board) is responsible for reviewing gasoline vapor recovery equipment defects and updating the California Code of Regulations (CCR), Title 17, Section 94006. This cover letter explains what criteria the ARB used to identify a defect and where the authority to do so originates. It also states what enforcement action the local district should take with respect to a listed defect.

Section 41960.2 (c) (1) of the California Health and Safety Code (HSC) states "The executive officer of the state board shall identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants. The defects shall be identified and listed for each certified system and shall be specified in the applicable certification documents for each system." The equipment defects identified by the Board are currently listed in CCR, Title 17, Section 94006. The purpose of the Draft Vapor Recovery Defects List attached to this letter is to act as a working draft document to facilitate the update of that list. The list will not be final and changes made to CCR, Title 17, Section 94006 until a Board hearing is held.

With the exception of the 100-ml or more liquid in the vapor path requirement pertaining to coaxial balance hoses, all of the defects on the Draft Vapor Recovery Defects List are currently listed either in the applicable executive order certifying the equipment or present in Section 94006, Title 17, CCR.

Section 41960.2 (d) of the CH&S also states "When a district determines that a component contains a defect specified pursuant to subdivision (c), the district shall mark the component "Out of Order." No person shall use or permit the use of the component until the component has been repaired, replaced, or adjusted, as necessary, and the district has reinspected the component or has authorized use of the component pending reinspection." Any defect on the Draft Vapor Recovery Defects List is considered to be a "tagable" condition providing justification for the affected equipment to be removed from service and for a notice of violation to be issued. If the defect affects the entire system, the whole facility shall be shut down.

Please review the attached list and provide any comments you may have addressed to James J. Morgester, Chief, Compliance Division at the address in the letterhead. If you have any questions about the defects list or need additional information, please telephone Ranjit Bhullar at (916) 323-7370 or Neil Nipper at (916) 324-7343.

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California Environmental Protection Agency