

State of California
AIR RESOURCES BOARD

Second 15-day Notice of Public Availability of Modified Text

ADOPTION OF AMENDMENTS TO VAPOR RECOVERY CERTIFICATION AND TEST PROCEDURES FOR UNDERGROUND AND ABOVEGROUND STORAGE TANKS INCLUDING GASOLINE DISPENSING FACILITY HOSE REGULATION

Public Hearing Date: September 22, 2011
First Public Availability Dates: February 10, 2012 – February 27, 2012
Second Public Availability Release Date: October 26, 2012
Deadline for Second Public Comment Period: November 13, 2012

At its September 22, 2011 public hearing, the Air Resources Board (ARB or Board) approved amendments to sections 94010, 94011, 94016, 94150, and 94168, title 17, California Code of Regulations (CCR), which incorporate by reference vapor recovery definitions, certification procedures, and test procedures. The following documents are referenced in the regulations: *Definitions for Vapor Recovery Procedures*, D-200, last amended May 2, 2008; *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*, CP-201, last amended May 25, 2006; *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks*, CP-206, adopted May 2, 2008; *Volumetric Efficiency for Phase I Vapor Recovery Systems*, TP-201.1, last amended October 8, 2003; *Efficiency and Emission Factor for Phase II Systems*, TP-201.2, last amended May 2, 2008; *Determination of the Vehicle Matrix for Phase II Systems*, TP-201.2A, last amended February 1, 2001; *Test Procedure for In-Station Diagnostic Systems*, TP-201.2I, last amended May 25, 2006; *Pressure Drop Bench Testing of Vapor Recovery Components*, TP-201.2J, adopted October 8, 2003; *Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*, TP-201.3, last amended March 17, 1999; and *Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks*, TP-206.3, adopted May 2, 2008.

These amendments will clarify the statutory four-year timeframe for installing new equipment at existing gasoline dispensing facilities, establish a permeation limit for dispensing hoses, and correct minor errors and inconsistencies in the current vapor recovery equipment certification and test procedures. At the hearing, the Board adopted Resolution 11-29, in which it approved the originally proposed amendments and directed the Executive Officer to adopt the proposed amendments in accordance with section 11346.8 of the Government Code.

In Resolution 11-29, the Board instructs the Executive Officer to determine if additional conforming modifications to the proposed amendments are appropriate. If so, the Executive Officer is authorized to adopt such amendments in accordance with section 11346.8 of the Government Code, after making the modified text available to the

public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

The regulatory documents for this rulemaking, including Resolution 11-29, are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2011/evr11/evr11.htm>

This notice is an announcement of the opening of a **second 15-day comment** period in which the public may provide comments on proposed modifications to the Vapor Recovery Certification and Test Procedures for Underground and Aboveground Storage Tanks including the Gasoline Dispensing Facility Hose Regulation.

Summary of Proposed Modifications

Attachment 1 to this notice contains the text of D-200 – “Definitions for Vapor Recovery Procedures”, CP-201 – “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities”, and CP-206 – “Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks” that shows newly proposed 15-day modifications to the originally proposed amendments. ARB provides these modifications in an effort to further clarify the term “Effective Date.” The term “Effective Date” is defined in D-200. The originally proposed changes to CP-201 and CP-206 included an additional definition of “Effective Date” that was unclear and potentially could be interpreted to conflict with the existing definition in D-200. The modification proposed here removes the additional definition in section 2.4.5 of CP-201 and CP-206 as proposed in the original amendment, which could have yielded inconsistent interpretation of “Effective Date”, and replaces it with a revised definition that defines “Effective Date” for a given performance standard or specification as the date the first system is certified to that performance standard or specification. The additional amendments being proposed today will improve clarity while preserving the intent of the Board approved amendments.

In addition, Title 17, California Code of Regulations, sections 94011 and 94016 have been amended to include a reference to UL 330 (7th ed) - *Underwriters Laboratories’ Standard for Hose and Hose Assemblies for Dispensing Flammable Liquids*. The UL 330 test procedure was referenced within CP-201 and CP-206 and made available for public viewing and comment with the original regulatory proposal, however it was not explicitly incorporated by reference in the regulation.

Submission of Comments

Written comments will only be accepted on the modifications described in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal Mail: Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
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..

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the two forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alterno ó otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment 1 – Second 15-Day Modifications to Regulatory Text

1. Title 17, California Code of Regulations, sections 94011 and 94016
2. D-200 - "Definitions for Vapor Recovery Procedures"
3. CP-201 - "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities"
4. CP-206 - "Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks"

ATTACHMENT 1

SECOND 15 DAY MODIFICATIONS TO AMENDMENTS TO THE VAPOR RECOVERY CERTIFICATION AND TEST PROCEDURES FOR UNDERGROUND AND ABOVEGROUND STORAGE TANKS INCLUDING GASOLINE DISPENSING FACILITY HOSE REGULATION

Note: This attachment is printed in a style to indicate changes from the originally proposed provisions. The originally proposed amendments as presented in the “*Notice of Public Hearing to Consider Adoption of Amendments to Vapor Recovery Certification and Test Procedures for Underground and Aboveground Storage Tanks Including Gasoline Dispensing Facility Hose Regulation*” made available on August 11, 2011, are indicated in underline to indicate additions and in ~~strikeout~~ to indicate deletions.

The proposed modifications released on February 10, 2012, are shown in double underline and to indicate proposed additional text, and ~~bold-strikeout~~ to indicate proposed deleted text. The proposed changes subject to comment, as described in this Second 15-Day Notice of Public Availability of Modified Text, are shown in bold double underline to indicate proposed additional text, and ~~bold-double-strikeout~~ to indicate proposed deleted text. All other portions of the Vapor Recovery Certification and Test Procedures for Underground and aboveground storage tanks regulation remain unchanged and are indicated by the symbol “* * * *” for reference.

This attachment includes only excerpts from the Certification Procedures that are being amended at this time. The full Certification Procedures, including amendments approved by the Board on September 22, 2011, are available online at <http://www.arb.ca.gov/regact/2011/evr11/evr11.htm>

[This page intentionally left blank]

SECOND 15-DAY MODIFIED REGULATION ORDER

Amend sections 94011, and 94016, title 17, California Code of Regulations (CCR), to read as follows:

§ 94011. Certification of Vapor Recovery Systems of Dispensing Facilities.

The certification of gasoline vapor recovery systems at dispensing facilities (service stations) shall be accomplished in accordance with the Air Resources Board's CP-201, "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities" which is herein incorporated by reference. (Adopted: December 9, 1975, as last amended ~~May 25, 2006~~ *[Insert amendment date]*).

The following test procedures (TP) cited in CP-201 are also incorporated by reference.

TP-201.1 – "Volumetric Efficiency for Phase I Systems" (Adopted: April 12, 1996, as last amended ~~October 8, 2003~~ *[Insert amendment date]*)

TP-201.1A – "Emission Factor For Phase I Systems at Dispensing Facilities" (Adopted: April 12, 1996, as last amended February 1, 2001)

TP-201.1B – "Static Torque of Rotatable Phase I Adaptors" (Adopted: July 3, 2002, as last amended October 8, 2003)

TP-201.1C – "Leak Rate of Drop Tube/Drain Valve Assembly" (Adopted: July 3, 2002, as last amended October 8, 2003)

TP-201.1D – "Leak Rate of Drop Tube Overfill Prevention Devices" (Adopted: February 1, 2001, as last amended October 8, 2003)

TP-201.1E – "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves" (Adopted: October 8, 2003)

TP-201.1E CERT – "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves" (Adopted: May 25, 2006)

TP-201.2 – "Efficiency and Emission Factor for Phase II Systems" (Adopted: April 12, 1996, as last amended ~~October 8, 2003~~ *[Insert amendment date]*)

TP-201.2A – "Determination of Vehicle Matrix for Phase II Systems" (Adopted: April 12, 1996, as last amended ~~February 1, 2004~~ *[Insert amendment date]*)

TP-201.2B – “Flow and Pressure Measurement of Vapor Recovery Equipment” (Adopted: April 12, 1996, as last amended October 8, 2003)

TP-201.2C – “Spillage from Phase II Systems” (Adopted: April 12, 1996, as last amended February 1, 2001)

TP-201.2D – “Post-Fueling Drips from Nozzle Spouts” (Adopted: February 1, 2001, as last amended October 8, 2003)

TP-201.2E – “Gasoline Liquid Retention in Nozzles and Hoses” (Adopted: February 1, 2001)

TP-201.2F – “Pressure-Related Fugitive Emissions” (Adopted: February 1, 2001, as last amended October 8, 2003)

TP-201.2G – “Bend Radius Determination for Underground Storage Tank Vapor Recovery Components” (Adopted: October 8, 2003, as last amended May 25, 2006)

TP-201.2H – “Determination of Hazardous Air Pollutants from Vapor Recovery Processors” (Adopted: February 1, 2001)

TP-201.2I – “Test Procedure for In-Station Diagnostic Systems” (Adopted: October 8, 2003, as last amended ~~May 25, 2006~~ *Insert amendment date*)

TP-201.2J – “Pressure Drop Bench Testing of Vapor Recovery Components” (Adopted: October 8, 2003, *as last amended Insert amendment date*)

TP-201.3 – “Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities” (Adopted: April 12, 1996, as last amended ~~March 17, 1999~~ *Insert amendment date*)

TP-201.3A – “Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities” (Adopted: April 12, 1996)

TP-201.3B - "Determination of Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities with Above-Ground Storage Tanks" (Adopted: April 12, 1996)

TP-201.3C – “Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)” (Adopted: March 17, 1999)

TP-201.4 – “Dynamic Back Pressure” (Adopted: April 12, 1996, as last amended July 3, 2002)

TP-201.5 – “Air to Liquid Volume Ratio” (Adopted: April 12, 1996, as last amended February 1, 2001)

TP-201.6 – “Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities” (Adopted: April 12, 1996, as last amended April 28, 2000)

TP-201.6C – "Compliance Determination of Liquid Removal Rate" (Adopted: July 3, 2002)

TP-201.7 – “Continuous Pressure Monitoring” (Adopted: October 8, 2003)

UL 330 (7th ed) - Underwriters Laboratories’ Standard for Hose and Hose Assemblies for Dispensing Flammable Liquids, December 16, 2009.

Note: Authority cited: Sections 25290.1.2, 39600, 39601, 39607 and 41954, Health and Safety Code.
Reference: Sections 25290.1.2, 39515, 41952, 41954, 41956.1, 41959, 41960 and 41960.2, Health and Safety Code.

§ 94016. Certification of Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks.

The certification of gasoline vapor recovery systems at dispensing facilities using aboveground storage tanks shall be accomplished in accordance with the Air Resources Board's CP-206, "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks," adopted May 2, 2008, as last amended [*Insert amendment date*], which is herein incorporated by reference.

The following test procedures (TP) cited in CP-206 are also incorporated by reference.

TP-206.1 - "Determination of Emission Factor for Standing Loss Control Vapor Recovery Systems using Temperature Attenuation Factor at Gasoline Dispensing Facilities with Aboveground Storage Tanks" (Adopted: May 2, 2008)

TP-206.2 - "Determination of Emission Factor for Standing Loss Control Vapor

Recovery Systems using Processors at Gasoline Dispensing Facilities with Aboveground Storage Tanks" (Adopted: May 2, 2008)

TP-206.3 - "Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks" (Adopted: May 2, 2008 as last amended on [Insert amendment date])

The following certification and test procedures cited in certification procedure CP-206 and adopted in section 94011 by incorporation by reference are also incorporated by reference herein: CP-201, TP-201.1, TP-201.1A, TP-201.1B, TP-201.1C, TP-201.1D, TP-201.1E, TP-201.1E CERT, TP-201.2, TP-201.2A, TP-201.2B, TP-201.2C, TP-201.2D, TP-201.2E, TP-201.2G, TP-201.2H, TP-201.2I, TP-201.2J, TP-201.4, TP-201.5, TP-201.6, ~~and~~ TP-201.7, and UL-330 (7th ed).

Note: Authority cited: Sections 39600, 39601, 39607 and 41954, Health and Safety Code. Reference: Sections 39515, 39605, 41954, 41956.1, 41959, 41960 and 41960.2, Health and Safety Code.

California Environmental Protection Agency
Air Resources Board

Vapor Recovery Definitions

D-200

Definitions for
Vapor Recovery Procedures

1 APPLICABILITY

The terms and acronyms contained herein are applicable for the *Certification and Test Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities, Gasoline Bulk Plants, Gasoline Terminals, Cargo Tanks, Novel Facilities, and Aboveground Storage Tanks*. They are intended as a clarification of the terms and acronyms used throughout the Certification and Test Procedures.

2 TERMS

* * * * *

effective date

~~the date on which a provision has the effect of state law.~~ For vapor recovery performance standards or performance specifications originally adopted by ARB prior to January 1, 2012, “effective date,” as used in Health and Safety Code sections 41954(g)(2) and 41956.1(a), shall be the date listed in the applicable certification procedure.

For vapor recovery performance standards or performance specifications adopted by ARB on or after January 1, 2012, “effective date,” as used in Health and Safety Code sections 41954(g)(2) and 41956.1(a), means the date the first system or component is certified by ARB to meet the new or revised performance standard or performance specification adopted by ARB pursuant to the Administrative Procedure Act.

The effective date “starts the clock” for the period of continuing use of installed vapor recovery systems/equipment under Health and Safety Code section 41956.1. The period may be up to four years after which the component and/or system may no longer be used.

* * * * *

California Environmental Protection Agency
Air Resources Board

Vapor Recovery Certification Procedure

CP-201

Certification Procedure for Vapor Recovery Systems at
Gasoline Dispensing Facilities

* * * * *

2. PERFORMANCE STANDARDS AND SPECIFICATIONS

* * * * *

2.1 Performance Standards

A performance standard defines the minimum performance requirements for certification of any system, including associated components. An applicant may request certification to a performance standard that is more stringent than the minimum performance standard specified in CP-201. Ongoing compliance with all applicable performance standards, including any more stringent standards requested by the applicant, shall be demonstrated throughout certification testing.

2.2 Performance Specifications

A performance specification is an engineering requirement that relates to the proper operation of a specific system or component thereof. In addition to the performance specifications mandated in CP-201, an applicant may specify additional performance specifications for a system or component. An applicant may request certification to a performance specification that is more stringent than the minimum performance specification in CP-201. Ongoing compliance with all applicable performance specifications, including any more stringent specifications requested by the applicant, shall be demonstrated throughout certification testing.

2.3 Innovative System

The innovative system concept provides flexibility in the design of vapor recovery systems. A vapor recovery system that fails to comply with an identified performance standard or specification may qualify for consideration as an innovative system, provided that the system meets the primary emission factor/efficiency, complies with all other applicable requirements of certification, and the Executive Officer determines that the emission benefits of the innovation are greater than the consequences of failing to meet the identified standard or specification.

2.4 Additional or Amended Performance Standards or Performance Specifications

Whenever these Certification Procedures are amended to include additional or amended performance standards, any system that is certified as of the effective date

of additional or amended standards shall remain certified until the operative date. Systems installed before the operative date of additional or amended standards may remain in use for the remainder of their useful life or for up to four years after the effective date of the new standard, whichever is shorter, provided the requirements of section 19 are met.

Whenever these Certification Procedures are amended to include additional or amended performance specifications, a system shall remain certified until the Executive Order expiration date. A system that was installed before the operative date of additional or amended performance specifications may remain in use subject to the requirements of section 17.

- 2.4.1 The effective and operative dates of adoption for all performance standards and specifications contained herein are specified in Table 2-1.
- 2.4.2 The operative dates of performance standards shall be the effective date of adoption of amended or additional performance standards, except as otherwise specified in Table 2-1. Certifications shall terminate on the operative date of amended or additional performance standards unless the Executive Officer determines that the system meets the amended or additional performance standards. Upon the operative date of amended or additional performance standards, only systems complying with the amended or additional performance standards may be installed.
- 2.4.3 The operative dates of performance specifications are listed in Table 2-1. As of the operative date of amended or additional performance specifications, only systems complying with the amended or additional performance specifications may be installed.
- 2.4.4 When the Executive Officer determines that no Phase I or Phase II system has been certified or will not be commercially available by the operative dates specified in Table 2-1 of CP-201, the Executive Officer shall extend the operative date and may extend the effective date of amended or additional performance standards or specifications. If there is only one certified system to meet amended or additional standards, that system is considered to be commercially available if that system can be shipped within eight weeks of the receipt of an order by the equipment manufacturer.

~~2.4.5 Any performance standard or specification with an effective date of January 1, 2012 or later shall become effective on the date when the first system is certified to meet the performance standard or specification. The Executive Officer shall maintain, and make available to the public, a current list of effective and operative dates for all standards and specifications.~~

- 2.4.5 The Executive Officer may determine that a system certified prior to the operative date meets the amended or additional performance standards or specifications. In determining whether a previously certified system conforms with any additional or amended performance standards, specifications or other requirements adopted subsequent to certification of the system, the

Executive Officer may consider any appropriate information, including data obtained in the previous certification testing of the system in lieu of new testing.

* * * * *

**California Environmental Protection Agency
Air Resources Board**

Vapor Recovery Certification Procedure

CP-206

**Certification Procedure for Vapor Recovery Systems
At Gasoline Dispensing Facilities Using
Aboveground Storage Tanks**

* * * * *

2. PERFORMANCE STANDARDS AND SPECIFICATIONS

* * * * *

2.4 Additional or Amended Performance Standards or Performance Specifications

Whenever these Certification Procedures are amended to include additional or amended performance standards, any system that is certified as of the effective date of additional or amended standards shall remain certified until the operative date. Systems installed before the operative date of additional or amended standards may remain in use for the remainder of their useful life or for up to four years after the effective date of the new standard, whichever is shorter, provided the requirements of Section 20 are met.

Whenever these Certification Procedures are amended to include additional or amended performance specifications, a system shall remain certified until the Executive Order expiration date. A system that was installed before the operative date of additional or amended performance specifications may remain in use subject to the requirements of Section 18.

2.4.1 The effective and operative dates of adoption for all performance standards and specifications contained herein are specified in Table 2-1.

2.4.2 The operative dates of performance standards shall be the effective date of adoption of amended or additional performance standards, except as otherwise specified in Table 2-1. Certifications shall terminate on the operative date of amended or additional performance standards unless the Executive Officer determines that the system meets the amended or additional performance standards or specifications. Upon the operative date of the amended or additional performance standards, only systems complying with the amended or

additional performance standards may be installed.

- 2.4.3 The operative dates of performance specifications are listed in Table 2-1. As of the operative date of amended or additional performance specifications, only systems complying with the amended or additional performance specifications may be installed.
- 2.4.4 When the Executive Officer determines that no Standing Loss Control, Phase I, or Phase II system has been certified or will not be commercially available by the operative dates specified in Table 2-1 of CP-206, the Executive Officer shall extend the operative date and may extend the effective date of amended or additional performance standards or specifications. If there is only one certified system to meet amended or additional standards, that system is considered to be commercially available if that system can be shipped within eight weeks of the receipt of an order by the equipment manufacturer.
- ~~2.4.5 Any performance standard or specification with an effective date of January 1, 2012 or later shall become effective on the date when the first system is certified to meet the performance standard or specification. The Executive Officer shall maintain, and make available to the public, a current list of effective and operative dates for all standards and specifications.~~
- 2.4.5 The Executive Officer may determine that a system certified prior to the operative date meets the amended or additional performance standards or specifications. In determining whether a previously certified system conforms to any additional or amended performance standards, specifications or other requirements adopted subsequent to certification of the system, the Executive Officer may consider any appropriate information, including data obtained in the previous certification testing of the system in lieu of new testing.
- 2.4.6 Gasoline Dispensing Facilities in districts that ARB determines are in attainment with the state standard for Ozone are exempted from the Enhanced Vapor Recovery performance standards and specifications set forth in Sections 3 through 10 inclusive, with the exception of the requirement for compatibility with vehicles that are equipped with Onboard Refueling Vapor Recovery (ORVR) systems as specified in subsections 5.4. New GDFs, and those undergoing major modifications, are not exempt. If exempt facilities become subject to additional standards due to a subsequent reclassification of their district such that the district is no longer in attainment, the facilities will have four years to comply.

* * * * *