

State of California

AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

CONSIDERATION OF PROPOSED AMENDMENTS TO THE VAPOR RECOVERY
EQUIPMENT DEFECTS LIST

Public Availability Date: February 16, 2012
Deadline for Public Comment: March 2, 2012

The Executive Officer of the Air Resources Board (ARB or Board) is required by California Health and Safety Code (Health & Saf. Code) section 41960.2(c)(1), to identify and list defects in vapor recovery equipment that substantially impair the effectiveness of gasoline vapor recovery systems used in motor vehicle refueling operations. On June 15, 2011, ARB initiated a notice of public comment period to consider proposed amendments to this Vapor Recovery Equipment Defects (VRED) List, which is incorporated by reference in California Code of Regulations, title 17, section 94006(b).

The update to the current VRED List includes: (1) inclusion of defects for equipment certified in Executive Orders (EO) since the last (June 17, 2008) amendment to the VRED List, (2) new defect verification procedures; and (3) editorial changes to remove minor inconsistencies and improve clarity.

After the public comment period ended on August 3, 2011, per EO-G-01-032 *Delegation of Authority Chief, Monitoring and Laboratory Division*, Dr. Alberto Ayala, acting on behalf of the ARB Executive Officer, considered the proposed amendments to the VRED List. The public notice for this item stated that a hearing would be held only if a request was received. No hearing request was received.

As part of the public comment period, comments requesting modifications were received suggesting two VRED changes. The changes were considered by ARB staff and modifications were made to the proposed VRED List based on these comments. The first comment, which was received from a spokesperson for the California Air Pollution Control Officers Association, was a request to clarify or amend a defect verification procedure in two tables and this change was made since it met criteria as a new defect verification procedure and to improve clarity.

The second comment was submitted by a manufacturer of certified vapor recovery equipment. The manufacturer requested that their processor equipment be removed from two specific VRED Tables. This request was not granted. Exhibit 2 within each EO lists the System Specifications for that system. Each Exhibit 2 has an Equipment Defects section that lists this processor equipment as having potential for VRED defects associated with the processor. Staff concluded it must remain in the VRED List unless it is removed from the corresponding EO section. While reviewing those two VRED Tables it was found that one VRED Table still contained a processor defect that had been removed from the Equipment Defects section of Exhibit 2. Staff also removed an additional processor defect from four VRED Tables since it was not listed in the corresponding EO section. Since this processor item was not a VRED in the related EO, it was removed to accurately reflect each EO.

To reflect these changes to the VRED Tables, the table *Defect Identification Methods Used in the Verification Procedure Column*, listed at the end of the proposed VRED List, was updated also. Five verification procedures were updated to include specific references for clarity, and 28 verification procedures were added. Six of these procedures were in the previously adopted 2008 VRED List Tables however; for accuracy, they are now included in the table *Defect Identification Methods Used in the Verification Procedure Column*. Four verification procedures were removed to accurately reflect their removal from corresponding EO sections. The adopted version of this table contained 21 verification procedures and the proposed amendment lists 48 verification procedures.

Also, since the end of the 45 day public comment period, six vapor recovery EOs have been amended with the VRED related changes included in the proposed VRED List. Two Healy Phase II Enhanced Vapor Recovery (EVR) Systems, VR-201-N and VR-202-N, were amended to include wireless components, updated software, and a thermal printer. Two VST Phase II EVR Systems, VR-203-J and VR-204-J, were amended to version K. EO VR-203-K was amended to include a Liquid Condensate Trap and to clarify language. EO VR-204-K was amended to include the Healy Clean Air Separator, a Liquid Condensate Trap and clarification of language. Additionally, EO VR-203-K and VR-204-K were each amended to version L. EO VR-203-L was amended to include procedures, instructions and figures for obtaining pressure data for the Healy Clean Air Separator and the Hirt VCS 1000 processor; and instructions and figures on how to disable and re-enable the various vapor processors for testing. EO VR-204-L was amended to include the Hirt VCS 1000 processor and all its related Exhibits and sections; also added were instructions and figures on how to disable and re-enable the various vapor processors for operational testing. These six EOs are available online at <http://www.arb.ca.gov/vapor/eo.htm>.

California Code of Regulations, title 17, section 94006(b) is being amended solely to show the new amendment date, the provision for which was originally noticed.

The purpose of this notice is to invite comments on the newly proposed modified text (known as "15-day changes"). Comments must be limited to the modifications set forth in the attachments to this notice. The originally proposed 45-day amendments (published on June 15, 2011) are shown in single underline to indicate additions and ~~single strikethrough~~ to indicate deletions. The 15-day modifications to the original proposal are shown in double underline to indicate additions and ~~double strikethrough~~ to indicate deletions. A final decision on the amendments to the VRED List will be made after the comment period for the 15-day changes has closed. The final decision will be based upon all material in the record. This determination will be made by the ARB Executive Officer, Mr. James M. Goldstene or his delegated representative.

The VRED List with the 15-day modifications, and other regulatory documents for this rulemaking, including the Initial Statement of Reasons (ISOR) staff report, is available online at the following ARB internet site:
<http://www.arb.ca.gov/regact/2011/vrdef11/vrdef11.htm>

Inquiries concerning the substance of the proposed regulations should be directed to Ranjit Bhullar, Manager, Vapor Recovery In-Use Program Section, at (916) 322-0223 or Melinda Weaver, Air Pollution Specialist, at (916) 322-8918.

Written comments will only be accepted on the modifications identified 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, 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 ARB in one of the two forms described above and received by 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 alternativo u 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.

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at www.arb.ca.gov.