

State of California
AIR RESOURCES BOARD

THIRD Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE VAPOR RECOVERY
CERTIFICATION AND TEST PROCEDURE REGULATIONS FOR
ENHANCED VAPOR RECOVERY

Public Hearing Date: March 23, 2000
Public Availability Date: May 31, 2001
Deadline for Public Comment: June 15, 2001

At its March 23, 2000, public hearing, the Air Resources Board (the "Board") approved the amendment of sections 60030, 94010, 94011, 94148, 94149 and 94154, title 17, California Code of Regulations (CCR), adoption of section 94163, title 17, CCR, and repeal of section 94155, title 17, CCR, which incorporate by reference certification and test procedures for vapor recovery systems.

At the hearing the staff presented, and the Board approved, modifications to the regulations originally proposed in the Staff Report released on February 4, 2000 in response to continuing review and comments received since the Staff Report was published. The modifications affected the text of certification and test procedures D-200, CP-201, TP-201.1, TP-201.1A, TP-201.2, TP-201.2B, TP-201.2C, TP-201.2D, TP-201.2E, TP-201.2F, TP-201.2H, TP-201.2O and TP-201.5. TP-201.2A was not modified.

The modified procedures were made available for public comment from September 29, 2000 to October 27, 2000. Based on comments received, additional revisions were made for the following certification and test procedures: D-200, CP-201, TP-201.2, TP-201.2B, TP-201.2D and TP-201.5, which were made available for public comment from December 12, 2000 until January 4, 2001.

The amendments were submitted to the Office of Administrative Law (OAL) for approval on February 2, 2001. On March 20, 2001 OAL approved amendments to CP-201 with the exception of section 18. In its disapproval decision (March 27, 2001), OAL found that section 18, which the Board adopted to establish a limitation on the duration of vapor recovery system certifications, did not meet the clarity standard of Government Code section 11349.1. To clarify section 18, the Board proposes to revise the regulation to allow the Executive Officer to shorten the 4-year term of the certification only with the certification applicant's consent.

Other editorial corrections are proposed with this notice. Corrections to CP-201 will correct an equation error and add clarifying language regarding Phase I certification requirements; the correction to TP-201.2 inserts an equation that was inadvertently deleted when the amendments were submitted to OAL.

Modifications to CP-201

Section 3.2.2 contains equations for calculating final allowable pressures for leak decay testing for Phase I systems. The exponent in Equation 3-1 has been corrected to reflect the more stringent standard required for assist Phase II vapor recovery systems (see section 4.2). This change will ensure that Phase I systems are compatible with both balance and assist Phase II vapor recovery systems.

Section 3.5 provides requirements for pressure/vacuum relief vent valves. Language has been added to sections 3.5.2 and 3.5.3 to clarify that the leak rates for vent valves include the vent valve connections.

Section 3.6 provides requirements for Phase I containment boxes. Section 3.6.3 has been modified to clarify removal of gasoline shall be in accordance with all applicable regulatory requirements pertaining to containment boxes as well as the requirements of the State Water Resources Control Board and the Department of Toxic Substances Control.

Section 18 describes the duration and conditions of certification. Section 18.1 limits the duration of vapor recovery system certifications. Section 18.1 has been modified to clarify that the duration of the certification is four years. Executive Officer discretion to certify a system for less than four years has been deleted.

Modifications to TP-201.2

Section 12 provides equations to be used to calculate mass emission factor test results. Equation 12.1.1 of TP-201.2 is necessary to correct measured sample volumes to standard conditions for each dispensing episode. Equation 12.1.1 was inadvertently omitted in the version of TP-201.2 submitted to OAL. The modified section 12 corrects this error and includes equation 12.1.1.

Procedure for Commenting

Board Resolution 00-9 sets forth the Board's action approving changes to title 17, California Code of Regulations, sections 60030, 94010, 94011, 94148, 94149 and 94154, 94155 and 94163, and approving the amendment of the incorporated certification and test procedures for vapor recovery systems. In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to

adopt sections 60030, 94010, 94011, 94148, 94149 and 94154, 94155 and 94163, title 17, California Code of Regulations, and the incorporated certification and test procedures for vapor recovery systems, D-200, CP-201, TP-201.1, TP-201.1A, TP-201.2, TP-201.2A, TP-201.2B, TP-201.2C, TP-201.5, TP-201.2D, TP-201.2E, TP-201.2F, TP-201.2H and TP-201.2O, as modified, after making them 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 Resolution and the text of the regulations and incorporated certification and test procedures, as modified, and as further modified, are available on the Board's Web site at <http://www.arb.ca.gov/regact/march2000evr/march2000evr.htm>. Copies of these documents can also be obtained by contacting Mr. George Lew at (916) 327-0900. Test methods and standard operating procedures incorporated into the certification and test procedures are also available from Mr. Lew.

Written comments on the further modifications must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than June 15, 2001, for consideration by the Executive Officer prior to final action. Only comments relating to the above-described modifications to the regulations shall be considered by the Executive Officer.