

State of California  
AIR RESOURCES BOARD

Resolution 80-38

July 23, 1980

WHEREAS, Section 39602 of the Health and Safety Code designates the Air Resources Board (ARB) as the air pollution control agency for all purposes set forth in federal law and designates the ARB as the state agency responsible for the preparation of the State Implementation Plan (SIP) required by the Clean Air Act;

WHEREAS, the Clean Air Act as amended in 1977 mandates the revision of the SIP in designated nonattainment areas of the state in order to assure the attainment and maintenance of national ambient air quality standards by specified deadlines;

WHEREAS, Health and Safety Code Sections 41500, 41504, 41650 and 41652 provide that the ARB shall adopt a locally prepared nonattainment plan and authorize the ARB to make such revisions to a nonattainment plan as are necessary to meet the requirement of the Clean Air Act;

WHEREAS, the ARB is the designated lead agency for the San Bernardino County nonattainment plan and has committed itself to a coordinated program for the development of the nonattainment plans for ozone with the active participation of other agencies possessing resources and expertise in the air quality and transportation fields;

WHEREAS, on November 29, 1979 the ARB resolved in Resolution 79-79, incorporated by reference herein, that the San Bernardino County APCD determinations of reasonably available control measures for regulating emissions from certain gasoline marketing operations do not meet the requirements of Section 172 of the Clean Air Act;

WHEREAS, the District's Rule 461 and 462 do not contain provisions as stringent as control measures adopted by other districts in the state;

WHEREAS, the San Bernardino County APCD Board at its July 7, 1980 hearing deleted proposed Stage I vapor recovery regulations from its agenda;

WHEREAS, the ARB finds:

1. That the state and national ambient air quality standards for photochemical oxidant (ozone) are exceeded in the San Bernardino County portion of the SEDAB;
2. That organic gases have been demonstrated to be a chemical precursor to photochemical oxidant (ozone), and contribute to or are responsible for exceedance of the state oxidant standard and the national ozone standard within the SEDAB;

3. That further increases in emissions of precursors will interfere with progress toward attainment of the national ambient air quality standard for ozone and of the state air quality standard for oxidant;
4. That the San Bernardino County APCD Rules 461 and 462 do not contain provisions adequate to meet Clean Air Act requirements regarding implementation of reasonably available control measures for regulating emissions from gasoline marketing operations (excluding vehicle fueling operations) in the designated nonattainment area of the District as expeditiously as practicable;
5. Rules 461 and 462 are not as effective as vapor recovery rules which are in effect in other districts in the state;

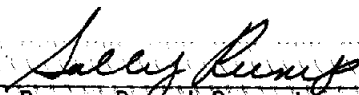
NOW THEREFORE BE IT RESOLVED, that the Board adopts new Rules 461.1 and 462.1 to be applicable in the portions of the District designated by the Environmental Protection Agency (EPA) as nonattainment for ozone, as set forth in Appendix A, such rules to take effect and to be submitted to EPA 90 days from this date unless the SBAPCD Board adopts rules found by the Executive Officer to be equally effective and adopted by the Executive Officer as a SIP revision prior to expiration of the 90 days, said rule then to be forwarded to the EPA.

BE IF FURTHER RESOLVED, that the Board approves Rules 461 and 462 as submitted by the SBAPCD for applicability in that portion of the District designated as attainment for ozone and directs the Executive Officer to forward the rules to EPA as a revision to the SIP.

BE IT FURTHER RESOLVED, that San Bernardino County APCD Rules 461.1 and 462.1 may subsequently be amended by the District, in accordance with the procedures set forth in 17 California Administrative Code Section 60008.1.

BE IT FURTHER RESOLVED, that to the extent that rules amended today are in conflict or are not consistent with any other provision of the affected District's rules and regulations, the provisions of the amended rules adopted July 23, 1980, shall prevail and shall have the same force and effect as a program, rule or regulation adopted by the District and shall be enforced by the District.

I certify that the above is  
a true and correct copy of  
Resolution 80-38, as adopted  
by the Air Resources Board

  
Sally Rump, Board Secretary

APPENDIX A  
to Resolution 80-38

Proposed for Adoption  
June 25, 1980

Revised  
July 23, 1980

RULE 461.1 Gasoline Transfer and Dispensing In the Federal Environmental  
Protection Agency Designated Nonattainment Area

(a) Gasoline Transfer Into Stationary Storage Containers

(1) A person shall not transfer or permit the transfer of gasoline from any tank truck, trailer or railroad tank car into any stationary storage container with a capacity of more than 950 liters (251 gallons) unless such container is equipped with a permanent submerged fill pipe and unless 95 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released to the atmosphere.

(2) The provisions of this Section shall be subject to the following exceptions:

(A) The transfer of gasoline into any stationary storage container used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 et seq.) of the California Vehicle Code, if such container is equipped with a permanent submerged fill pipe.

(B) The transfer of gasoline into any stationary storage container having a capacity of 2,000 gallons or less which was installed prior to July 1, 1980, if such container is equipped with a permanent submerged fill pipe.

- (C) The transfer of gasoline into any stationary storage container in existence prior to July 1, 1980 when such container is served by a delivery vessel exempted by the Air Pollution Control Officer pursuant to Section b(2) of Rule 462.1 if such container is equipped with a permanent submerged fill pipe.
- (D) The transfer of gasoline into any stationary storage container which the Air Pollution Control Officer finds is equipped with equipment to control emissions at least as effectively as required by this Section.
- (E) The transfer of gasoline into any stationary storage container in existence prior to July 1, 1980 which is equipped with an offset fill pipe.
- (F) The transfer of gasoline into any stationary storage container not exempted by Section a(2)(A), a(2)(B), a(2)(C), a(2)(D), or (2)(e) at any gasoline dispensing facility installed prior to the effective date of this regulation for which the total monthly throughput of the facility does not exceed 9,000 gallons, provided that the owner or operator of such dispensing facility transfers or permits the transfer of gasoline from any delivery vessel (i.e., tank truck or trailer) into any stationary storage container with a capacity of more than 250 gallons only if such container is equipped with a permanent submerged fill pipe and only if 90 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released to the atmosphere.

(3) No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors have been transferred shall be filled only at a loading facility that is equipped with a system that prevents at least 95 percent by weight of the gasoline vapors displaced from entering the atmosphere.

(4) Other Provisions

(A) A person shall not install any gasoline storage container with a capacity of more than 950 liters (250 gallons) unless such container meets the provisions of this rule.

(B) Vapor return or vapor recovery systems used to comply with the provisions of this rule shall comply with all safety, fire, weights and measures, and other applicable codes or regulations.

(5) Definitions

For purposes of this rule, the following definitions are included:

(A) "Gasoline vapors" means the organic compounds in the displaced vapors including any entrained liquid gasoline.

(B) A "motor vehicle" is any self-propelled vehicle registered for use on the highways.

- (C) For the purposes of this Rule, the term "submerged fill pipe" is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.
- (D) For the purposes of this Rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.
- (6)(A) The owner or operator of any stationary storage container or gasoline loading facility subject to this Rule or Rule 462.1 which is operating or in the process of being installed or constructed prior to July 1, 1980 shall comply with the provisions of this Rule by October 1, 1981, and shall comply with the following schedule:
- (i) By February 1, 1981 - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;
  - (ii) By April 1, 1981 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emission control system have been negotiated and signed,

RULE 462.1 Organic Liquid Loading in the Federal Environmental Protection Agency Designated Nonattainment Area

(a) Facilities Handling 75,700 liter (20,000 gallons) Per Day or More

- (1) A person shall not load organic liquids having a vapor pressure of 77.5 millimeters of mercury (1.5 psia) or greater under actual loading conditions into any tank truck, trailer or railroad tank car from any loading facility having a throughput of 75,700 liters (20,000 gallons) or more in any one day, unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.
- (2) Loading shall be accomplished in such a manner that the displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.
- (3) The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:
  - (A) An adsorber system or condensation system which processes all the displaced vapor and which limits the emission of gasoline vapors and gases to no more than:
    - (i) 0.6\* pounds per thousand gallons of gasoline transferred for installations made after July 1, 1980, or
    - (ii) 0.9\* pounds per 1,000 gallons of gasoline transferred for installations existing prior to January 1, 1972,

\*As determined by rounding to the nearest tenth using two significant figures,

and 0.6\* pounds for 1,000 gallons of gasoline transferred for these existing installations by July 1, 1982, or

(iii) 0.9\* pounds per 1,000 gallons of gasoline transferred for installations existing prior to July 1, 1980, and installed after January 1, 1972, and 0.6\* pounds per 1,000 gallons of gasoline transferred for these existing installations by July 1, 1985.

(B) A vapor handling system which directs the displaced vapors to a fuel gas system.

(C) Other equipment of an efficiency equal to or greater than (A) or (B) if approved by the Air Pollution Control Officer.

(b) Facilities Handling Less Than 75,700 liters (20,000 gallons) Per Day.

(1) Any facility that was in operation prior to January 9, 1976, that distributes 2,838,750 liters (750,000 gallons) or more of gasoline annually to storage vessels not exempted under Sections (a) (2) (A) and (a) (2) (B) of Rule 461.1, but less than a total of 75,700 liters (20,000 gallons) of gasoline in any one day shall return all the vapors displaced from the delivery vessel back to the stationary storage container. Stationary storage containers at the facility are to comply with the requirements of sections (b) (2) (B) and (b) (2) (C).

(2) Any facility in operation prior to January 9, 1976, that distributes less than 75,700 liters (20,000 gallons) of gasoline in any one day shall be exempt from the provisions of this rule provided that:



- (A) Less than 2,838,750 liters (750,000 gallons) per year are distributed to storage vessels, not exempted under Section (a)(2)(A) and (a)(2)(B) of Rule 461.1;
  - (B) All gasoline is loaded into transport vessels through a fill pipe, the discharge opening of which is submerged when the liquid level is 8 centimeters (3.15 inches) above the bottom of the vessel;
  - (C) The facility is equipped with a system or systems to prevent the release to the atmosphere of at least 95 percent by weight of the gasoline vapors displaced during the filling of the facility's stationary storage containers;
  - (D) The facility is equipped with a pressure-vacuum valve on the above ground stationary storage containers with a minimum pressure valve setting of 8 ounces provided that such setting will not exceed the container's maximum pressure rating.
  - (E) The owner or operator of the facility petitions the Air Pollution Control Officer annually for this exemption to have the facility's transport vessels and other independently owned transport vessels which are exclusively serviced at such facility exempted.
- (3) Any such facility constructed or installed on or after January 9, 1976, irrespective of throughput, shall comply with the provisions of Section (b)(1) and shall not be eligible for the exemption in Section (b) (2).

# Memorandum

Huey D. Johnson  
Secretary  
Resources Agency

Date : August 11, 1980

Subject: Filing of Notice  
of Decision of the  
Air Resources Board

From : Air Resources Board

Pursuant to Title 17, Section 60007(b), and in compliance with Air Resources Board certification under section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.

*Sally Rump*

Sally Rump  
Board Secretary

attachments

  
Resolution 80-49

RECEIVED BY  
Office of the Secretary

AUG 12 1980

Resources Agency of California

State of California  
AIR RESOURCES BOARD

Resolution 80-38

July 23, 1980

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AUG 12 1980

State of California

AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amending the Rules and Regulations of Imperial County Air Pollution Control District, Los Angeles County Air Pollution Control District and San Bernardino County Air Pollution Control District

Public Hearing Date: July 23, 1980

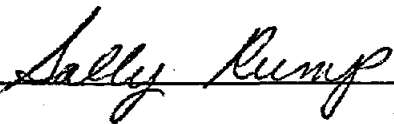
Response Date: July 23, 1980

Issuing Authority: Air Resources Board

Issue: No adverse environmental impacts identified in staff report or in public testimony.

Response: N/A

CERTIFIED:

  
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Date:

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Resou \_\_\_\_\_ of California

State of California  
AIR RESOURCES BOARD

OPPOSING CONSIDERATIONS AND AGENCY RESPONSE

July 23, 1980

Public Hearing to Consider Amending the Rules and Regulations  
of Imperial County Air Pollution Control District,  
Los Angeles County Air Pollution Control District and  
San Bernardino County Air Pollution Control District

San Bernardino County APCD

1. Opposing Consideration:

Staff proposal for amendments to Rules 461 and 462 should not be applied in the attainment areas of the District.

Response: Staff concurs and recommends that the Board make the proposed amendments effective only in the nonattainment area portion of the District by adopting Rules 461.1 and 462.1 for those areas.

2. Opposing Consideration:

The staff-proposed exemption for bulk plants is too restrictive and not feasible for the District in that it would require inordinately high control cost for small bulk plants.

Response: Staff concurs and recommends that the exemption of 500,000 gallons per year throughput to nonexempt sources be increased to 750,000 gallons per year.

3. Opposing Consideration:

The proposed rule goes beyond the minimum Clean Air Act requirements for rural nonattainment areas.

Response: The minimum Clean Air Act requirements for nonattainment areas are that all reasonably available control measures be adopted and implemented, as expeditiously as practicable (Sections 172(b)(2) (3)) and staff report demonstrates that the proposed control measures are currently reasonably available.

4. Opposing Consideration:

Because the impact of transported pollutants on the air quality in the District is not known, the impact on the amount of emission reductions required to achieve the ozone ambient air quality standard in the District is also not known; the action should be deferred until the impact of transport can be quantified.

Response: Staff proposes to work with the District to quantify the impact of transport. However, this is not sufficient reason to postpone adoption of a well-demonstrated, reasonably available, legally required control measure.

5. Opposing Consideration:

Additional time is needed for the District to develop its own control measures.

Response: Staff concurs with concept, and recommends that the Board adopt the staff-recommended measures to be effective in 90 days, thus providing the District with 90 days to take action to adopt its own acceptable control measures.

Imperial County APCD

Opposing Consideration:

The Western Oil and Gas Association's written testimony objects to the proposed amendments to two of Imperial County's Stage I vapor recovery rules -- 415 for gasoline storage tanks and 415.1 which applies to bulk plants and terminals with daily throughputs of more than 20,000 gallons. WOGA objects to these amendments because 1) they are not required to assure EPA approval of the nonattainment plans and 2) the Board has not justified changing the rules simply to achieve state standards.

That Imperial County rules amendments are not required is supported by EPA's review of the Imperial County Plan and EPA's findings that:

- (1) An approvable plan for a rural area must include adopted, legally enforceable regulations which reflect the application of RACT for those major stationary sources with over 100 tons/year potential emissions.
- (2) Imperial County is a rural area and its rules meet the requirements for a rural area plan.

Response: The Air Resources Board will not be adopting the language objected to by the WOGA. Consideration of the proposed amendments for the Imperial County rules has been postponed to provide additional time for Imperial County to make the necessary rule changes.