

State of California
AIR RESOURCES BOARD

Resolution 81-60

November 18, 1981

Agenda Item No.: 81-23-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Assembly Bill 2248 (Statutes 1980, Chapter 1134) adds Sections 41970-41974 to the Health and Safety Code, which establish an optional alternative to the criminal penalties set forth in Health and Safety Code Section 42400 in cases involving gasoline cargo tanks subject to state laws concerning gasoline vapor recovery;

WHEREAS, Health and Safety Code Section 41970 provides that when a person is cited with a notice pursuant to the optional alternative, the applicable charges will be dismissed by the court if the cited person presents proof of correction of the alleged violation;

WHEREAS, Sections 41971 and 41972 of the Health and Safety Code provide that proof of correction of the alleged violation may be made by verification by the owner or operator of the cargo tank if specified conditions are met;

WHEREAS, Section 41972 of the Health and Safety Code requires the Board to adopt regulations for the making of verifications of the correction by the owner or operator of the gasoline cargo tank;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, the Board finds:

That the regulation set forth in Attachment A establishes requirements for the making and submission of verifications of correction by the cargo tank operator when such verifications are authorized by Sections 41970-41972 of the Health and Safety Code;

That adoption of said regulation is reasonably necessary to implement the mandate of Section 41972 of the Health and Safety Code and to assure that persons submitting such verifications have made the required corrections and met the required conditions for use of the verification;

That the form set forth in Attachment B permits the submittal of the information required by said regulation in a uniform fashion;

That the regulation set forth in Attachment A would have no substantial adverse environmental impact, and therefore no alternative and/or mitigation measures are required; and

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts Section 94005 of Part III, Chapter 1, Subchapter 8, Title 17 of the California Administrative Code as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board hereby adopts the form set forth in Attachment B as the approved form for preparation and submittal of a Proof of Correction by Verification pursuant to Section 94005 of Title 17, California Administrative Code.

I certify that the above is
a true and correct copy of
Resolution 81-60, as adopted
by the Air Resources Board



Sally Rump, Board Secretary

ATTACHMENT A

Add Section 94005 to Part III, Chapter 1, Subchapter 8 in Title 17 of the California Administrative Code.

NOTE: Authority cited: §§ 39600, 39601, and 41972 Health and Safety Code. Reference: §§ 41970 and 41972, Health and Safety Code.

Subchapter 8. Compliance With Non-vehicular Emission Standards

Article 1. General Provisions

94005. Preparation and Submittal of Proof of Correction for Gasoline Cargo Tanks. (a) Whenever any person has received a notice to appear issued pursuant to Health and Safety Code Section 41970, and the preparation and submittal of a proof of correction by verification is authorized by Health and Safety Code Section 41972, such proof of correction shall contain:

(1) Name of owner or operator, company name (if applicable), and address.

(2) Date, time, and violation specified in notice to appear.

(3) State Fire Marshal cargo tank number.

(4) Manufacturer's number of tank.

(5) California Air Resources Board vapor-emission-certification decal number.

(6) License number of vehicle carrying cargo tank at the time of issuance of notice to appear.

(7) A statement that the violation was corrected, including the following information and documentation:

(A) A brief description of the corrections that were made.

(B) The date on which the corrections were made.

(C) The name, address, and company affiliation (if any) of the person making the correction.

(D) If the violation consists of operation of the cargo tank without issuance of the required vapor recovery certification, a copy of the application for vapor recovery certification and a copy of the issued certification.

(E) If in order to correct the violation it was necessary to test the cargo tank to determine compliance with the annual leak rate criteria, (i) the name, address and company affiliation (if any) of the person conducting the test; (ii) the date of the test; (iii) pressure change in five minutes (in inches of water); (iv) vacuum change in five minutes (in inches of water); (v) a statement by the person conducting the test that the cargo tank was tested in accordance with the procedures established by the Air Resources Board (Board or ARB).

(8) Date, time, and means by which the issuing agency was notified of the opportunity to inspect the corrections.

(9) Location of cargo tank and time specified for inspection.

(A) A brief description of the corrections that were made.

(B) The date on which the corrections were made.

(C) The name, address, and company affiliation (if any) of the person making the correction.

(D) If the violation consists of operation of the cargo tank without issuance of the required vapor recovery certification, a copy of the application for vapor recovery certification and a copy of the issued certification.

(E) If in order to correct the violation it was necessary to test the cargo tank to determine compliance with the annual leak rate criteria, (i) the name, address and company affiliation (if any) of the person conducting the test; (ii) the date of the test; (iii) pressure change in five minutes (in inches of water); (iv) vacuum change in five minutes (in inches of water); (v) a statement by the person conducting the test that the cargo tank was tested in accordance with the procedures established by the Air Resources Board (Board or ARB).

(8) Date, time, and means by which the issuing agency was notified of the opportunity to inspect the corrections.

(9) Location of cargo tank and time specified for inspection.

(10) Statement that the representative of the issuing agency failed to appear at the designated place and time.

(11) Declaration under penalty of perjury by person making correction and/or conducting test that the information contained in Item 7 is true and correct.

(12) Declaration under penalty of perjury by owner or operator named in the notice to appear that all information submitted is true and correct and the violation has been corrected.

(b) The executive officer shall have the authority to approve any modification to the form used for submittal of the information set forth in subsection (a) and provide the form to the State Fire Marshal and all air pollution control districts. Every "Proof of Correction by Verification" shall be prepared in triplicate on the form approved by the ARB. The original, along with the copy of the notice to appear, shall be submitted pursuant to Health and Safety Code Section 41970 to the court specified in the notice to appear. No later than the date of presentment to the court, copies shall be mailed to the agency issuing the notice to appear and to the Enforcement Division of the ARB.

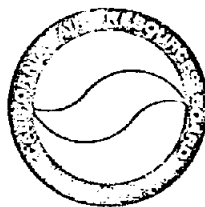
NOTE: Authority cited: §§ 39600, 39601, and 41972 Health and Safety Code. Reference: §§ 41970 and 41972, Health and Safety Code.

REPAIR FOUR COPIES:

Submit one copy each to:

1. Court specified in notice to appear, along with copy of the notice to appear.
2. Agency issuing the notice to appear.
3. Air Resources Board Enforcement Division
1101 Q Street
P. O. Box 2815
Sacramento, CA 95812
4. Keep one copy for Personal records.

CALIFORNIA AIR RESOURCES BOARD



PROOF OF CORRECTION BY VERIFICATION

PLEASE PRINT OR TYPE (Complete this form in full)

NOTICE TO COURT

This form developed in accordance with Section 41970 of the Health & Safety Code. If the arrested person presents, by mail or in person, proof of correction as prescribed in Section 41971 of the Health & Safety Code on or before the date on which he or she promised to appear, the court shall dismiss the applicable charges.

OWNER/OPERATOR INFORMATION

NAME OF OWNER/OPERATOR:

TELEPHONE NUMBER:

COMPANY NAME:

MAILING ADDRESS - NUMBER & STREET:

CITY:

ZIP CODE:

VIOLATION SPECIFIED IN NOTICE TO APPEAR (Rule or Regulation Cited)

DATE:

TIME:

CARGO TANK INFORMATION

CT NUMBER:

MANUFACTURER NUMBER:

ARB DECAL NUMBER:

LICENSE NUMBER OF VEHICLE:

PROOF OF CORRECTION INFORMATION

NAME OF COMPANY AND PERSON MAKING CORRECTIONS

COMPANY NAME:

PERSON MAKING CORRECTION:

ADDRESS:

DATE:

BRIEF DESCRIPTION OF REPAIRS MADE TO CORRECT VIOLATION:

TANK TESTING

If in order to correct the violation it was necessary to test the cargo tank to determine compliance with the annual leak rate criteria, please submit the results of tank testing and certification on the application for cargo tank certification form approved by the State Fire Marshal.

I certify under penalty of perjury that I made the necessary corrections and/or conducted the test to rectify the violation and the information contained under proof of correction information is true and correct.

Signature

If the violation consists solely of operation of the cargo tank without issuance of the required vapor recovery certification, please submit a copy of application for vapor recovery certification and a copy of the issued certification.

VERIFICATION OF CORRECTION

ISSUING AGENCY NOTIFIED TO INSPECT:

DATE:

TIME:

MEANS (TELEPHONE, IN-PERSON)

LOCATION OF CARGO TANK:

DATE AND TIME SPECIFIED FOR INSPECTION:

Did representative of issuing agency appear at designated place and time?

ANSWER:

OWNER OR OPERATOR NAMED IN NOTICE TO APPEAR

I declare under penalty of perjury that all information submitted herein is true and correct and the violation has been corrected.

Signature

Memorandum

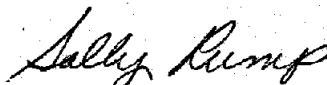
Huey D. Johnson
Secretary
Resources Agency

Date : December 9, 1981

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
Board Secretary

attachment
Resolution 81-60

RECEIVED BY
Office of the Secretary

DEC 10 1981

Resources Agency of California

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Proposed Regulation Section 94005, Preparation and Submittal of Proof of Correction for Gasoline Cargo Tanks, to be Added to Part III, Chapter 1, Subchapter 8 of Title 17 of the California Administrative Code

Agenda Item No.: 81-23-1

Public Hearing Date: November 18, 1981

Response Date: November 18, 1981

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

CERTIFIED:

Sally Rump
Board Secretary

Date:

12/1/81

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Office of the Secretary

DEC 10 1981

Resources Agency of California