State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATIONS FOR THE CERTIFICATION AND TESTING OF GASOLINE VAPOR RECOVERY SYSTEMS USING ABOVEGROUND STORAGE TANKS

Public Hearing Date: June 21, 2007
Public Availability Date: October 24, 2007
Deadline for Public Comment: November 8, 2007
Deadline for Public Comment Period has been extended to November 20, 2007

At its June 21, 2007 public hearing, the Air Resources Board (the "Board") approved the amendment of sections 94010, 94011, and the adoption of sections 94016 and 94168, title 17, California Code of Regulations (CCR), which incorporate by reference the following certification and test procedures for vapor recovery systems:

D-200	Definitions for Vapor Recovery Systems
CP-206	Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks
TP-201.2	Efficiency and Emission Factor for Phase II Systems
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
TP-206.2	Determination of Emission Factor for Standing Loss Control Vapor Recovery Systems Using Processors at Gasoline Dispensing Facilities with Aboveground Storage Tanks
TP-206.3	Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks

At the hearing the staff presented, and the Board approved, modifications to the regulations originally proposed in the "Staff Report: Initial Statement of Reasons for Proposed Rulemaking: Public Hearing to Consider Adoption of Regulations for Certification and Testing of Gasoline Vapor Recovery Systems Using Aboveground Storage Tanks," released on May 4, 2007, in response to continuing review and

comments received since the Staff Report was published. Subsequent to the hearing, as authorized by the Board in Resolution 07-27, the staff has also proposed additional conforming modifications that reflect technical improvements to incorporated regulations. The modifications, described in further detail below, affect the text of certification and test procedures CP-206, TP-206.1, and TP-206.3.

Modifications to CP-206

As originally noticed, CP-206 sections 4 (Table 4-1), 4.4, 4.6, 5 (Table 5-1), and 5.14 specified U.S. EPA Method 21 (combustible gas detection devices) for vapor leak detection. U.S. EPA Method 21 is not specified in CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities) for leak detection. The change is to delete references to U.S. EPA Method 21 in CP-206 in order to be consistent with CP-201.

As originally noticed, sections 12.8 and 14.1 of the procedure require vapor recovery testing to be conducted at an operating gasoline dispensing facility (GDF). Additional language was added to require standing loss control vapor recovery testing to be done on a tank that does not transfer gasoline. Also, language was added to allow a non-operating GDF to be used as a test station if the applicant can demonstrate to the satisfaction of the Executive Officer that the vapor recovery system would be subject to the same use at a non-operating GDF as an operating GDF during the certification test.

Sections 12.12 and 13.8 were added to require the applicant to identify the number of tanks; size of tanks; types of vapor recovery systems on tanks; and to specify and provide reasons for tank configurations that represent the worst case scenario from an emissions standpoint.

As originally noticed, section 15.4 of the procedure referenced U.S. EPA Method 301 to determine alternative test procedures. The date of this reference was added.

Post-Hearing Conforming Modifications to TP-206.1

As originally noticed section 1.1, Applicability, did not adequately describe the temperature attenuation factor, or specify the minimum 30-day time period during the summer months over which the temperature attenuation factor is determined. These changes clarify the applicability of the test procedure.

As originally noticed, section 3.1 did not specify the type or range requirements of the thermocouples. Language was added to require a Type K thermocouple that ranges from -328 to +2282°F.

As originally noticed, section 5.1 did not specify thermocouple and temperature probe compatibility. Language was added to require the thermocouples and temperature

probes to be compatible with gasoline and water. As originally noticed, section 5.3 specified the Leak Detection Solution requirements. This section has been removed.

As originally noticed, section 6.1 detailed the thermocouple calibration requirements. This section has been renumbered to section 6.2. The new section 6.1 specifies that the tank shall be filled to 50 percent ullage through the top or side mounted product adaptor using a camlock fitting.

As originally noticed, section 6.2 specified that a static pressure performance test was required after the calibrated thermocouples were in place. This section has been renumbered to section 6.4. The section renumbered as 6.2 specifies the thermocouple calibration procedure, the use of cold, ambient, and hot water baths, and the accuracy requirements of National Institute of Standards and Technology (NIST) traceable thermometer and thermocouple. Section 6.2 also includes procedures for troubleshooting and documentation.

As originally noticed, section 6.3 specified the tank ullage and filling requirements. The language of the originally noticed section 6.3 has been incorporated into section 6.1. The new section 6.3 specifies the thermocouple and float apparatus installation procedures.

Section 6.4 has been renumbered as section 6.5.

As originally noticed, section 6.6 restricted deliveries and dispensing during the test period. This section has been renumbered to section 7.6 and the new section 6.6 includes language to invalid data for 24 hours immediately after the test when other test procedures are conducted.

As originally noticed, section 6.7 indicated that fuel Reid Vapor Pressure (RVP) <u>shall</u> be measured. Language was added to indicate that the fuel RVP <u>may</u> be measured.

As originally noticed, section 7.1 specified the thermocouple and float apparatus installation. Section 7.1 has been renumbered as section 6.3. As a result, section 7.2 has been renumbered to 7.1 to reflect this change and the reference to section 7.7 has been removed.

As originally noticed, renumbered section 7.4 did not include an option to test outside the summer months. Language was added to specify that testing outside the summer months may be allowed if approved by the Executive Officer.

As originally noticed, section 7.7 required precision checks and detailed these procedures in sections 7.7.1, 7.7.2, 7.7.3, and 7.7.4. The precision check requirements were deleted, as were sections 7.7.1 through 7.7.4.

A new section 7.6 is added to specify that no deliveries or dispensing are allowed during the 30-day testing period.

As originally noticed, section 8 did not specify post thermocouple calibration requirements. Language was added to section 8.3 to specify the post thermocouple calibration requirements in accordance with section 6.2

As originally noticed, section 9.1 and section 9.2 required the daily fuel surface temperature range to be determined over a 30 consecutive day period. Language was added to change the time period for determining the daily fuel surface temperature from 30 consecutive days to a minimum of 30 days.

Modifications to TP-206.3

As originally noticed, the first three subsections in Section 4 were incorrectly number as section 4.5 (repeat). These sections were renumbered as sections 4.1, 4.2, and 4.3.

As originally proposed, section 4.5 did not specifically require the use of an electronic pressure measuring device or digital pressure indicator to measure tank pressure. Language was added to require that electronic pressure measuring devices or digital pressure indicators be used because they are more accurate than mechanical pressure gauges.

As originally proposed section 5.3 would have required combustible gas analyzers to be calibrated every 180 days with 2.1 mole percent of methane by volume. This requirement has been deleted and the modified provision requires calibration in accordance with manufacturer's instruction.

As originally proposed section 6.4 requires that the minimum ullage be 25 percent of the tank capacity and maximum ullage be 75 percent of tank capacity. Language was added to clarify that the maximum and minimum ullage applies to aggregate tanks when tanks are manifolded.

As originally proposed, section 6.5 incorrectly references equation 9-1 in section 9. Language was added to correct the reference to equation 8-1 in section 8.

As originally proposed section 6.6 requires that nozzles be properly hung in the dispenser boot. Language was added to require that dispenser covers be in place and no dispensing be allowed during the test. This modification will make TP-206.3 consistent with the currently adopted TP-201.3 (Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems at Dispensing Facilities), which is used to determine the static pressure of underground storage tank.

As originally proposed section 6.11 requires the leak test assembly to be installed per Figure 1. Language was added to allow other leak test assembly configurations by

stating that Figure 1 is an example and that other examples could be found in Figures 1 to 3 in TP-201.3. The title of Figure 1 has been changed to reflect that the figure is an example.

Editorial Corrections

Throughout the Certification Procedure CP-206 and each of the test procedures corrections to wording, grammar and numbering have been made to improve the clarity of the regulations. Cross-references have been added and corrected to improve clarity. Additionally, amendments to the text of the regulations as published in title 17, California Code of Regulations and included in Appendix B of the Staff Report, omitted TP-201.2G, Bend Radius Determination for Underground Storage Tank Vapor Return Piping. This test procedure cited in CP-206 will be incorporated by reference in title 17, California Code of Regulations, section 94016.

Board Resolution 07-27 sets forth the Board's action approving changes to title 17, California Code of Regulations, sections 94010, 94011, 94016 and 94168, and approving the adoption and amendment of the incorporated certification and test procedures for vapor recovery systems, D-200, CP-206 TP-201.2, TP-206.1, TP-206.2, and TP-206.3, as modified. The Resolution and the text of the regulations and incorporated certification and test procedures, as modified, are available on the Board's Web site at http://www.arb.ca.gov/regact/2007/ast07/ast07.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.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 94010, 94011, 94016, and 94168, title 17, California Code of Regulations, and the incorporated certification and test procedures for vapor recovery systems, D-200, CP-206, TP-201.2, TP-206.1, TP-206.2, and TP-206.3, 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.

Written comments on the modifications approved by the Board must be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail:

Clerk of the Board
Air Resources Board
P.O. Box 2815
Sacramento, California 95812

Electronic mail: http://www.arb.ca.gov/lispub/comm/bclist.php

Facsimile submittal: (916) 322-3928

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