

## UPDATED INFORMATIVE DIGEST

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

**Sections Affected:** This action amends sections 94010, 94011, and adopts sections 94016 and 94168, title 17, California Code of Regulations (CCR), and incorporates by reference certification and test procedures for vapor recovery systems: Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks, CP-206; Definitions for Vapor Recovery Procedures, D-200; Efficiency and Emission Factor for Phase II Systems, TP-201.2; Determination of Emission Factor for Standing Loss Control Vapor Recovery Systems Using Temperature Attenuation Factor at Gasoline Dispensing Facilities with Aboveground Storage Tanks, TP-206.1; Determination of Emission Factor for Standing Loss Control Vapor Recovery Systems Using Processors at Gasoline Dispensing Facilities with Aboveground Storage Tanks, TP-206.2; and Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks, TP-206.3.

**Background:** The Air Resources Board (Board or ARB) certifies the vapor recovery equipment that is used throughout California in service stations, also referred to as gasoline dispensing facilities (GDFs). Control of the emissions of air pollutants from GDFs is necessary to reduce hydrocarbon emissions that lead to the formation of ozone and to control emissions of benzene, a constituent of gasoline vapor that has been identified as a toxic air contaminant. The ARB adopted the Enhanced Vapor Recovery (EVR) program for Underground Storage Tanks (UST) under statutory and regulatory requirements in March 2000 which did not include Aboveground Storage Tanks (AST). The proposed regulation will establish new performance standards and specifications for AST vapor recovery systems and components similar to those adopted under the UST EVR program to achieve consistency between AST and UST vapor recovery requirements and control standing loss emissions unique to ASTs.

**Description of Regulatory Action:** At the Board's June 21, 2007 public hearing for the proposed regulations, the Board adopted the amended regulations, summarized below, as they were noticed on May 4, 2007 in the California Notice Register and as set forth in the Staff Report: Initial Statement of Reasons released on May 4, 2007.

The Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks (Certification Procedure or CP-206) is proposed to establish new performance standards and specifications for AST vapor recovery systems and components. The Certification Procedure relies on many of the test procedures (TP) that were adopted for UST vapor recovery systems and components. These procedures are equally applicable when testing equipment used with ASTs. The regulation also proposes the adoption of three new test procedures unique to ASTs to evaluate conformance with the performance standards and

specifications: Determination of Emission Factor for Standing Loss Control Vapor Recovery Systems Using Temperature Attenuation Factor at Gasoline Dispensing Facilities with Aboveground Storage Tanks, TP-206.1; Determination of Emission Factor for Standing Loss Control Vapor Recovery Systems Using Processors at Gasoline Dispensing Facilities with Aboveground Storage Tanks, TP-206.2; and Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks, TP-206.3. These new procedures test vapor recovery systems and components that reduce the tank temperature, control emissions directly, and reduce leaks in ways that are specific to AST systems and components.

The regulatory proposal also amends TP-201.2, Efficiency and Emission Factor for Phase II Systems, to correct the emission factor equation and clarify fugitive emissions determinations. Likewise, amendments to the definitions in D-200 are also proposed to clarify and add terms used in the AST vapor recovery certification and test procedures.

When these proposed regulations become effective, ARB will certify EVR systems and components for ASTs. Air Pollution Control/Air Quality Management District (District) rules determine which new and existing ASTs will be required to use ARB certified EVR systems and components. New and major modifications of existing ASTs will be required to have EVR systems and components installed by January 1, 2009. Existing ASTs will be required to retrofit or replace current equipment with EVR systems and components by January 1, 2013.

At the Board hearing ARB staff made, and the Board approved, modifications to the regulations originally proposed in the Staff Report (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 also proposed additional conforming modifications that reflect technical improvements to incorporated regulations. The modifications, described in detail in "Notice of Public Availability of Modified Text," were released to the public in the 15 day comment period beginning on October 24, 2007 in accordance with section 11346.8 of the Government Code. These changes are described in the Final Statement of Reasons.

**Comparable Federal Regulations:** There are no comparable federal regulations that certify gasoline vapor recovery systems for service stations; however, amendments to the ARB's vapor recovery regulations have a national impact because most other states that mandate for vapor recovery equipment at service stations require ARB certification of the equipment.