

State of California
AIR RESOURCES BOARD

Executive Order R-12-003

***Relating to the Amendments to the List of Equipment Defects that
Substantially Impair the Effectiveness of Gasoline Vapor Recovery Systems
section 94006, title 17, California Code of Regulations***

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 41960.2(c)(1) of the Health and Safety Code requires the Executive Officer of the ARB to identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants;

WHEREAS, section 41960.2(c)(1) of the Health and Safety Code also requires the Executive Officer to specify the defects in the applicable certification documents for each certified vapor recovery system;

WHEREAS, section 41960.2(c)(2) and (c) (3) of the Health and Safety Code requires the Executive Officer to review the list at a public workshop at least once every three years or upon written request, to determine whether the list should be updated to reflect changes in equipment technology or performance;

WHEREAS, a public workshop was held on January 10, 2011, to review the Vapor Recovery Equipment Defects List and the Executive Officer determined that an update of the list was necessary to ensure that all substantial defects are described in a manner that is capable of being understood and easy to cite;

WHEREAS, section 94006, title 17, California Code of Regulations, titled "Defects Substantially Impairing the Effectiveness of Vapor Recovery Systems Used in Motor Vehicle Fueling Operations," was amended in 2002, 2005 and 2008 included several items that were discovered by using the VRED List in the field. The current modified VRED List presented to the Executive Officer for approval is based on these progressive evaluations of options;

WHEREAS, staff anticipates a continued period of change in vapor recovery equipment, with many of the currently listed substantial defects being superseded as components meeting the Board's requirements are certified;

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

WHEREAS, the proposed defects list update has been developed at meetings with air district vapor recovery enforcement staff, vapor recovery equipment manufacturers, and gasoline facility operator associations, as well as at a public workshop on January 10, 2011;

WHEREAS, the approved regulations, with the changes to the originally proposed text clearly indicated, have been made available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44;

WHEREAS, no written comments were received during the 15 day period; and

WHEREAS, the Executive Officer has determined that no further modifications are appropriate, and therefore takes final action to adopt the regulation as set forth in Attachments 1 and 2 hereto.

NOW, THEREFORE, BE IT ORDERED, that the Executive Officer hereby adopts the amendments to the Vapor Recovery Equipment Defects List, section 94006, and the adoption of the Vapor Recovery Equipment Defects List, incorporated by reference into section 94006, title 17, California Code of Regulations, are adopted as set forth in Attachments 1, and 2 respectively, to this order.

BE IT FURTHER ORDERED that the Executive Officer, when certifying EVR systems and equipment, will identify any substantial defects for each system or component in each applicable Executive Order and will revise the list of substantial defects to ensure that it remains current.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 11th day of June, 2012 at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachments