

State of California
Air Resources Board

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER THE ADOPTION OF PORTABLE FUEL
CONTAINER SPILLAGE CONTROL REGULATIONS**

Public Hearing Date: September 23, 1999
Internet Posting Date: November 19, 1999
Public Availability Date: November 19, 1999
Deadline for Public Comment: December 10, 1999

At a public hearing held September 23, 1999, the Air Resources Board (the "Board") considered adopting sections 2470 through 2478, title 13, California Code of Regulations ("CCR") and the test procedures for spill-proof systems and spill-proof spouts. The purpose of the regulations and test procedures is to reduce emissions of hydrocarbons attributable to the use of conventional portable fuel containers, more commonly referred to as gas cans. The proposed regulatory action is described in detail in the Staff Report, released August 6, 1999.

At the hearing, the Board approved the adoption of sections 2470 through 2478, title 13, CCR, with modifications to the originally proposed regulatory language. Resolution 99-33 is included as Enclosure 1. The regulatory sections, with the modifications noted, are contained in Enclosure 2, while test procedures 510 and 513, also with modifications noted, are contained in Enclosure 3. The following is a description, by section number, of the significant modifications.

§ 2472 (a) and (b) - Performance Standards for Portable Fuel Containers and Spill-Proof Spouts.

In order to accommodate a manufacturer's request for more than one fill level, and as approved by the Board, staff has removed the fill level requirement from sections 2472 (a) and (b) (1). Fill level requirements have been modified and are now primarily a function of system and spout flow rates instead of container capacity and are located in 2472 (a) (4) and (b) (3).

Containers and spouts that provide a fuel flow rate of not less than one-half gallon per minute are required to fill to a level less than or equal to 1 inch below the top of the target fuel tank opening. Containers and spouts that provide fuel flow rates of not less than one gallon per minute are required to fill to a level less than or equal to 1.25 inches below the top of the target fuel tank opening. Containers and spouts with

fuel flow rates of not less than two gallons per minute are no longer required to adhere to a specified fill level requirement. Manufacturers had expressed concerns that the 1 inch fill level requirement for all containers would be difficult to adhere to as container nominal capacity increases. Larger containers, generally 5 gallons in capacity or greater, tend to have more variability with respect to fill level as the contents of the container are dispensed. Also, several manufacturers commented that the 1 inch fill level requirement, while providing a sufficient fill level for most hand-held equipment, may contradict other equipment manufacturers recommended fill levels. Therefore, staff has included two fill level requirements. One to meet the needs of hand-held equipment refueling and one that closely mirrors other equipment manufacturers recommended fill levels. Removal of the fill level requirement for large capacity containers is reasonable as these containers are most often used on equipment with large volume fuel tanks where fill levels become less critical to consumer acceptance. This approach allows the manufacturers sufficient flexibility to meet the fill level requirements and ensures the new products will provide an adequate fill level during equipment refueling.

As approved by the Board, staff has extended the fuel flow rate requirement of one-half gallon per minute to include portable fuel containers with a nominal capacity less than or equal to 1.5 gallons. Sales data indicate the 1.5 gallon capacity container is relatively popular with consumers and often used to refuel hand-held equipment. Therefore, the change in flow rate and fill level requirements will ensure that these containers remain functional for hand-held equipment refueling.

At the request of the Board, staff has included an option that would allow manufacturers to offer spill-proof systems with nominal capacities greater than 1.5 gallons but less than or equal to 2.5 gallons to be offered for sale with a one-half gallon per minute flow rate as well as the originally proposed one gallon per minute flow rate. Spill-proof systems offered for sale with the one-half gallon per minute flow rate in this nominal capacity range must clearly display the phrase "Low Flow Rate" on the product and packaging to inform consumers of its intended use. This will address manufacturer comments that these container capacities are often used by commercial users to perform multiple refueling of hand-held equipment necessitating a larger nominal capacity while still requiring the lower flow rate and adequate fill level.

§ 2475 - Administrative Requirements

As directed by the Board, a labeling requirement has been added for spill-proof systems and spill-proof spouts that cannot be used to refuel on-road motor vehicles. Spill-proof systems and spill-proof spouts that due to their design or other features cannot be used to refuel one or more on-road motor vehicles must clearly display the

phrase "Not Intended for Refueling On-Road Motor Vehicles" on the product and packaging.

§ 2477 - Test Procedures

The incorporating by reference of all test procedures has been streamlined and is now specified exclusively in Section 2477.

Staff has modified the fill level specifications in Test Method 510 to make them consistent with the corresponding provisions in the regulations and has conformed the test procedures to the above described modifications to the regulatory sections. Staff has also modified the sealing procedure in Test Method 513 in order to specify a faster and more reliable process .

Where necessary, Staff has also made other modifications throughout the regulations and test procedures to correct grammatical and typographical errors, to correct references and citations, and to improve the clarity of the regulations and test procedures.

As noted above, Enclosure 1 contains a copy of Board Resolution 99-33, approving the above described regulatory action. Enclosures 2 and 3 contain the text of the modified regulatory language and associated test procedures, respectively, with additions to the originally proposed text shown in underline and deletions shown in ~~strikeout~~. All of these enclosures are available online at the Air Resources Board's Internet site for the Portable Fuel Container Refueling Spillage Control regulatory documents – <http://arbis.arb.ca.gov/regact/spillcon/spillcon.htm>. Printed copies are also available and may be obtained from Elizabeth Mongar, Engineering and Laboratory Branch, at telephone (916) 322-8949, or fax (916) 322-2444.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 2470 through 2478, as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

Written comments must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than December 10, 1999, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice will be considered by the Executive

Officer.

Enclosures

15-Day Notice Date: 11/19/99
Public Comment Deadline: 12/10/99
Board Hearing Date: 9/23/99