

REQUEST FOR EARLY EFFECTIVE DATE

ADOPTION OF AMENDMENTS TO THE REGULATION LISTING DEFECTS SUBSTANTIALLY IMPAIRING THE EFFECTIVENESS OF VAPOR RECOVERY SYSTEMS USED IN MOTOR FUELING OPERATIONS

Pursuant to Government Code section 11343.4, the Air Resources Board (ARB or Board) requests that the amendments to section 94006, title 17, California Code of Regulations, and the document incorporated by reference therein, become effective upon filing with the Secretary of State. Good cause for this request exists.

An early effective date is necessary in that this section currently contains a list of equipment defects, which substantially impair the effectiveness of vapor recovery systems in reducing air contaminants, which were compiled in 1982. Despite the fact that the designs of the vapor recovery systems have changed significantly, the original list has not been amended or updated.

When the Legislature enacted AB 1164 in 1999, it modified Health and Safety Code (HSC) section 41960.2 to include a requirement that the Executive Officer of the Air Resources Board review the list at a public workshop on or before January 1, 2001, and then at least once every 3 years thereafter to determine whether the list requires updating to reflect changes in equipment and technology.

The amendments consist of two parts. First, criteria are set forth for qualifying defects which substantially impair the effectiveness of vapor recovery systems. Second, the amendments update and consolidate the listing of equipment defects identified by ARB in the current regulation, in existing executive orders, and from field studies. Each defect reduces the collection efficiency of the vapor recovery system by at least five percent, which results in the generation of excess emissions. Programs exist in California's Air Pollution Control Districts for implementing and enforcing vapor recovery regulations that reflect the updated list.

A request for early effective date will preserve effectiveness by establishing a concise reference for detection of vapor recovery equipment defects, which will enhance enforcement by the air districts as well as compliance efforts on the part of gasoline dispensing facilities. Early implementation of the updated list should guarantee that the expected emission reductions attributed to vapor recovery in the State Implementation Plan will be achieved and maintained sooner instead of later.

Date: _____

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