

## UPDATED INFORMATIVE DIGEST

### **PUBLIC HEARING TO CONSIDER THE PROPOSED ADOPTION OF A TEST PROCEDURE FOR PRESSURE/VACUUM VENT VALVES AND PROPOSED AMENDMENTS TO THE REGULATIONS FOR CERTIFICATION OF VAPOR RECOVERY SYSTEMS AT GASOLINE DISPENSING FACILITIES (SERVICE STATIONS)**

**Sections Affected:** This action amends sections 94010, 94011, and 94167, title 17, California Code of Regulations (CCR), and portions of the following incorporated certification and test procedures: Vapor Recovery Certification Procedure, CP-201; Definitions for Vapor Recovery Procedures, D-200; Bend Radius Determination for Underground Storage Tank Return Piping, TP-201.2G; and Test Procedure for In-Station-Diagnostic Systems, TP-201.2I. This action also adopts an incorporated test procedure, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, TP-201.1E CERT.

**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 is currently implementing the Enhanced Vapor Recovery (EVR) program through 2010 under statutory and regulatory requirements.

**Description of Regulatory Action:** At the Board's May 25, 2006 public hearing for the proposed regulations, the Board adopted the amended regulations, summarized below, as they were noticed on April 7, 2006 in the California Notice Register and as set forth in the Staff Report: Initial Statement of Reasons released on April 7, 2006.

The Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities (Certification Procedure or CP-201) is amended to reflect a requirement from Assembly Bill (AB) 2955, enacted in September 2004. Among other provisions, AB 2955 requires that the State Water Resources Control Board determine whether equipment undergoing certification to meet the EVR regulations also meets the underground storage tank statutory requirements as specified in Health and Safety Code section 25290.1.2. The Certification Procedure is also amended to expand and clarify the certification process, particularly to address the process when equipment manufacturers wish to modify or add alternative components to certified vapor recovery systems.

The performance specifications for cracking pressure and leak rate in CP-201 are amended to better reflect the appropriate pressure/vacuum (P/V) vent valve performance needs under actual field conditions. Also, a new test procedure, "Vapor Recovery Test Procedure for Leak Rate and Cracking Pressure of Pressure/Vacuum

Vent Valves” (TP-201.1E CERT), is adopted for use during certification testing and will result in a more accurate, precise, and representative test of P/V vent valves.

The Certification Procedure allows ARB’s Executive Officer to delay implementation of the scheduled phase in of EVR standards and specifications under specified conditions. Executive Officer actions in Executive Orders G-70-206, G-70-208, and G-70-209 delayed the implementation dates associated with some of the EVR requirements. The Certification Procedure’s schedule for the phase-in of EVR requirements is updated to reflect these Executive Officer actions. Additionally, CP-201 is reorganized and amended to improve clarity and readability, while amendments to TP-201.2G and TP-201.2I make technical corrections. Lastly, the definitions in D-200 are clarified and terms used in the vapor recovery certification and test procedures are added.

After the Board hearing, ARB staff made various non-substantial and grammatical changes to the regulations as authorized under Government Code section 11346.8(c) and section 40 of title 2 of the California Code of Regulations. 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.