

FINAL REGULATION ORDER

Note: The text of the proposed amendments is shown in underline to indicate additions and in ~~strikeout~~ to indicate deletions.

Amend section 94006, title 17, California Code of Regulations, to read as follows:

§94006. Defects Substantially Impairing the Effectiveness of Vapor Recovery Systems Used in Motor Vehicle Fueling Operations.

~~For the purposes of Section 41960.2 of the Health and Safety Code, the following constitute equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations which substantially impair the effectiveness of the systems in reducing air contaminants:~~

~~(a) Absence or disconnection of any component required to be used in the Executive Order(s) that certified the system. For the purposes of section 41960.2 of the Health and Safety Code, any defect that meets the following criteria shall be considered substantial and listed by the Air Resources Board: the defect did not exist when the system was certified; the excess emissions associated with the defect have the potential to degrade fueling point or system efficiency by at least five percent; and, a field verification procedure exists to identify the defect.~~

~~(b) A vapor hose which is crimped or flattened such that the vapor passage is blocked, or the pressure drop through the vapor hose exceeds by a factor of two or more the requirements in the system certified in the Executive Order(s) applicable to the system. For the purposes of section 41960.2 of the Health and Safety Code, equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations which substantially impair the effectiveness of the systems in reducing air contaminants are set forth in the "Vapor Recovery Equipment Defects List" September 23, 2002 which is incorporated by reference herein.~~

~~(c) A nozzle boot which is torn in one or more of the following manners:
(1) Triangular-shaped or similar tear 1/2 inch or more to a side, or hole 1/2 inch or more in diameter or,
(2) Slit 1 inch or more in length.~~

~~(d) Faceplate or flexible cone which is damaged in the following manner:
(1) For balance nozzles and for nozzles for aspirator and eductor assist type systems, damage shall be such that the capability to achieve a seal with a fill pipe interface is affected for 1/4 of the circumference of the faceplate (accumulated).
(2) For nozzles for vacuum assist-type systems, more than 1/4 of the flexible cone missing.~~

~~(e) Nozzle shutoff mechanisms which malfunction in any manner.~~

~~(f) Vapor return lines, including such components as swivels, anti-recirculation valves and underground piping, which malfunction or are blocked, or restricted such that pressure drop through the lines exceeds by a factor of two or more requirements specified in the Executive Order(s) that certified the system.~~

~~(g) Vapor processing unit which is inoperative or severely malfunctioning.~~

~~(h) Vacuum producing device which is inoperative or severely malfunctioning.~~

~~(i) Pressure/vacuum relief valves, vapor check valves, or dry breaks which are inoperative.~~

~~(j) Any equipment defect which is identified in an Executive Order certifying a system pursuant to the Certification Procedures incorporated in Section 94001 of Title 17, California Administrative Code, as substantially impairing the effectiveness of the system in reducing air contaminants.~~

~~All nozzles affected by the above defects are to be considered defective.~~

Authority cited: Sections 39600, 39601 and 41960.2, Health and Safety Code.
Reference: Sections 41954 and 41960.2, Health and Safety Code.