

MAR 30 1998

State of California
AIR RESOURCES BOARD

Resolution 98-27

RESOURCES AGENCY OF CALIFORNIA

May 21, 1998 continued to August 27, 1998

Agenda Item: 98-5-6

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board ("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 39607(d) of the Health and Safety Code requires the Board to adopt test procedures to measure compliance with its nonvehicular, or stationary source, emission standards and those of the air pollution control and air quality management districts ("districts");

WHEREAS, section 41950 of the Health and Safety Code requires the installation of vapor recovery systems for gasoline vapor control during gasoline marketing operations;

WHEREAS, section 41954 of the Health and Safety Code requires the Board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations with performance standards established by the Board;

WHEREAS, the Board's staff has identified improved test methods for fourteen existing gasoline-marketing vapor-recovery certification and test procedures, D-200, TP-201.1A, TP-201.3, CP-202, TP-202.1, CP-203, TP-203.1, CP-204, TP-204.1, TP-204.2, TP-204.3, CP-205, TP-205.1, and TP-205.2 and has identified one new test method for gasoline-marketing vapor-recovery certification and test procedures, TP-201.3C;

WHEREAS, the Board's staff has proposed amendments to title 17, California Code of Regulations, sections 94010, 94011, 94012, 94013, 94014, 94015, 94150, 94156, 94157, 94158, 94159, and 94160, and the addition of section 94162, which incorporate by reference the identified improved and new vapor recovery certification and test procedures;

WHEREAS, the proposed amendments and adoptions are reasonable and necessary to achieve and maintain applicable ambient air quality standards;

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

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 3.5);

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Identification of Attachments to the Resolution

Attachment 1: Amendments to sections 94010, 94011, 94012, 94013, 94014, 94015, 94150, 94156, 94157, 94158, 94159, and 94160 of, and addition of section 94162 to, title 17, California Code of Regulations, as approved by the Board.

Attachment 2: Modifications to Vapor Recovery Certification and Test Procedures, D-200, TP-201.1A, TP-201.3, CP-202, TP-202.1, CP-203, TP-203.1, CP-204, TP-204.1, TP-204.3, CP-205, TP-205.1, TP-205.2, and TP-201.3C, as suggested by staff and as directed by the Board.

WHEREAS, the Board has considered the preliminary impact of the proposed regulatory action on the economy of the state; and

WHEREAS, the Board finds that:

Amendment and adoption of the provisions of title 17, California Code of Regulations, as set forth in Attachment 1 hereto, and the incorporation of the proposed new and amended test methods for stationary sources as set forth in Attachment 2 hereto, are necessary and appropriate to satisfy the requirements of sections 39601 and 39607(d) of the Health and Safety Code;

The actions approved herein will have no significant adverse environmental impacts and that the regulations are projected to have a positive air quality impact; and

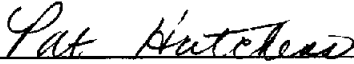
There is no alternative considered by the Board which would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendment of title 17, California Code of Regulations, sections 94010, 94011, 94012, 94013, 94014, 94015, 94150, 94156, 94157, 94158, 94159, and 94160, and the addition of section 94162, as set forth in Attachment 1, which incorporate by reference the improved and new vapor recovery certification and test procedures, D-200, TP-201.1A, TP-201.3, CP-202, TP-202.1, CP-203, TP-203.1, CP-204, TP-204.1, TP-204.2, TP-204.3, CP-205, TP-205.1, TP-205.2, and TP-201.3C, as noticed on April 3, 1998, with the modifications directed in Attachment 2.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to adopt the amendments, with the modifications directed in Attachment 2, after making them available to the public for a period of 15 days, as required by Government Code section 11346.8, 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 or for consistency with the modifications in Attachment 2, and shall present the modifications to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer and the staff to further consider the extent of the possible impacts of the interaction between vehicles equipped with onboard refueling vapor recovery systems and phase II vapor recovery systems, and to present the Board with an appropriate regulatory solution, if necessary, in consideration of the impacts on the environment and on the economy of the state.

I hereby certify that the above is a true and correct copy of Resolution 98-27, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board

PROPOSED REGULATION ORDER

Amend Sections 94010 through 94015, Article 1, Subchapter 8, Chapter 1, Division III, Title 17, California Code of Regulations to read:

94010. Definitions.

The definitions of common terms and acronyms used in the certification and test procedures specified in Sections 94011, 94012, 94013, 94014, and 94015 are listed in D-200, "Definitions for Certification Procedures and Test Procedures for Vapor Recovery Systems", adopted April 12, 1996, as amended insert date of amendment herein by reference.

NOTE: Authority cited: Sections 39600, 39601, 39607, Code.
Reference: Sections 39515, 41954, 41959, 41960 and to Res. 98-27 ode.

Attach 1

to Res. 98-27

94011. Certification of Vapor Recovery Systems

The certification of gasoline vapor recovery systems at dispensing facilities (service stations) shall be accomplished in accordance with the Air Resources Board's CP-201, "Certification Procedure for Vapor Recovery Systems of Dispensing Facilities" which is herein incorporated by reference. (adopted: on March 30, 1976, as last amended ~~{April 12, 1996}~~ insert date of amendment).

The following test procedures (TP) cited in CP-201 are also incorporated by reference.

TP-201.1 - "Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities without Assist Processors" (Adopted: {April 12, 1996})

TP-201.1A - "Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities with Assist Processors" (Adopted: {April 12, 1996}, as last amended insert date of amendment)

TP-201.2 - "Determination of Efficiency of Phase II Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

TP-201.2A - "Determination of Vehicle Matrix for Phase II Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

TP-201.2B - "Determination of Flow vs. Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

TP-201.2C - "Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

TP-201.3 - "Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996}, as last amended insert date of amendment)

TP-201.3A - "Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

TP-201.3B - "Determination of Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities with Above-Ground Storage Tanks" (Adopted: {April 12, 1996})

TP-201.3C - "Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)" (Adopted: [insert date of adoption])

TP-201.4 - "Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

TP-201.5 - "Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

TP-201.6 - "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities" (Adopted: {April 12, 1996})

NOTE: Authority cited: Sections 39600, 39601, 39607, and 41954, Health and Safety Code.
Reference: Sections 39515, 41954, 41959, 41960 and 41960.2, Health and Safety Code.

94012. Certification of Vapor Recovery Systems for Gasoline Bulk Plants.

The certification of gasoline vapor recovery systems at bulk plants shall be accomplished in accordance with the Air Resources Board's CP-202 "Certification Procedure for Vapor Recovery Systems of Bulk Plants" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of amendment])

The following test procedure (TP) cited in CP-202 is also incorporated by reference.

TP-202.1 - "Determination of Emission Factor of Vapor Recovery Systems of Bulk Plants" (Adopted: {April 12, 1996}, as last amended [insert date of amendment])

NOTE: Authority cited: Sections 39600, 39601, 39607 and 41954, Health and Safety Code.
Reference: Sections 39515, 39607, 41954, 41959, and 41960, Health and Safety Code.

94013. Certification of Vapor Recovery Systems for Gasoline Terminals.

The certification of gasoline vapor recovery systems at terminals shall be accomplished in accordance with the Air Resources Board's CP-203 "Certification Procedure for Vapor Recovery Systems of Terminals" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of amendment]).

The following test procedure (TP) cited in CP-203 is also incorporated by reference.

TP-203.1 - "Determination of Emission Factor of Vapor Recovery Systems of Terminals" (Adopted: {April 12, 1996}, as last amended [insert date of amendment])

NOTE: Authority cited: Sections 39600, 39601, 39607 and 41954, Health and Safety Code.
Reference: Sections 39515, 39607, 41954, 41959, and 41960, Health and Safety Code.

94014. Certification of Vapor Recovery Systems for Cargo Tanks.

The certification of gasoline vapor recovery systems for cargo tanks shall be accomplished

in accordance with the Air Resources Board's CP-204 "Certification Procedure for Vapor Recovery Systems of Cargo Tanks" which is incorporated herein by reference. (Adopted: April 18, 1977, as last amended ~~{April 12, 1996}~~ [insert date of amendment]).

The following test procedures (TP) cited in CP-204 are also incorporated by reference.

TP-204.1 - "Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks" (Adopted: ~~{April 12, 1996}~~, as last amended [insert date of amendment])

TP-204.2 - "Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks" (Adopted: ~~{April 12, 1996}~~, as last amended [insert date of amendment])

TP-204.3 - "Determination of Leak(s)" (Adopted: ~~{April 12, 1996}~~, as last amended [insert date of amendment])

NOTE: Authority cited: Sections 39600, 39601, 39607, 41954 and 41962, Health and Safety Code. Reference: Sections 39515, 39516, 39607, 41954, 41962, Health and Safety Code.

94015. Certification of Vapor Recovery Systems for Novel Facilities.

The certification of gasoline vapor recovery systems for novel facilities shall be accomplished in accordance with the Air Resources Board's CP-205 "Certification Procedure for Vapor Recovery Systems of Novel Facilities" which is incorporated herein by reference. (Adopted: ~~{April 12, 1996}~~, as last amended [insert date of amendment]).

The following test procedures (TP) cited in CP-205 are also incorporated by reference.

TP-205.1 - "Determination of Efficiency of Phase I Vapor Recovery Systems of Novel Facilities" (Adopted: ~~{April 12, 1996}~~, as last amended [insert date of amendment])

TP-205.2 - "Determination of Efficiency of Phase II Vapor Recovery Systems of Novel Facilities" (Adopted: ~~{April 12, 1996}~~, as last amended [insert date of amendment])

NOTE: Authority cited: Sections 39600, 39601, 39607, and 41954 Health and Safety Code. Reference: Sections 39515, 39516, 39607, 41954, and 41962 Health and Safety Code.

Amend Sections 94150, 94156, 94157, 94158, 94159, and 94160, Article 2, Subchapter 8, Chapter 1, Division III, Title 17, California Code of Regulations to read:

Section 94150. Test Method for Determining 2 Inch WC Static Pressure Performance of Phase II Vapor Recovery Systems for Dispensing Facilities

The test method for determining the 2 inch WC static pressure performance of Phase II vapor recovery system of dispensing facilities is set forth in the Air Resources Board's TP-201.3, "Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of amendment])

NOTE: Authority cited: Sections 39600, 39601, 39607, and 41954 Health and Safety Code.
Reference: Sections 39515, 39516, 39605, 40001, and 41954 Health and Safety Code.

Section 94156. Test Method for Determining Gasoline Vapor Emissions of Vapor Recovery Systems at Bulk Plants

The test method for determining gasoline vapor emissions of vapor recovery systems at bulk plants is set forth in the Air Resources Board's TP-202.1, "Determination of Emission Factor of Vapor Recovery Systems of Bulk Plants" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of amendment])

NOTE: Authority cited: Sections 39600, 39601, 39607, 41954 Health and Safety Code.
Reference: Sections 39515, 39516, 39605, 40001, and 41954 Health and Safety Code.

Section 94157 Test Method for Determining Gasoline Vapor Emissions of Vapor Recovery Systems at Terminals

The test method for determining gasoline vapor emissions of vapor recovery systems at terminals is set forth in the Air Resources Board's TP-203.1, "Determination of Emission Factor of Vapor Recovery Systems of Terminals" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of amendment]).

NOTE: Authority cited: Sections 39600, 39601, 39607, 41954 Health and Safety Code.
Reference: Sections 39515, 39516, 39605, 40001, and 41954 Health and Safety Code.

Section 94158. Test Method for Determining Five Minute Static Test Pressure Performance for Vapor Recovery Systems on Cargo Tanks

The test method for determining the five minute static pressure performance of vapor recovery system on cargo tank is set forth in the Air Resources Board's TP-204.1, "Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of amendment]).

NOTE: Authority cited: Sections 39600, 39601, 39607, 41954, and 41962 Health and Safety Code. Reference: Sections 39515, 39516, 39605, 40001, and 41954 Health and Safety Code.

Section 94159. Test Method for Determining One Minute Static Test Pressure Performance for Vapor Recovery Systems on Cargo Tanks

The test method for determining the one minute static pressure performance of vapor recovery system on cargo tank is set forth in the Air Resources Board's TP-204.2, "Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of

amendment).

NOTE: Authority cited: Sections 39600, 39601, 39607, 41954, and 41962 Health and Safety Code. Reference: Sections 39515, 39516, 39605, 40001, and 41954 Health and Safety Code.

Section 94160. Test Method for Determining Leaks During the Loading of Cargo Tanks

The test method for determining leaks during the loading of cargo tanks is set forth in the Air Resources Board's TP-204.3 "Determination of Leaks" which is incorporated herein by reference. (Adopted: {April 12, 1996}, as last amended [insert date of amendment])

NOTE: Authority cited: Sections 39600, 39601, 39607, 41954, and 41962 Health and Safety Code. Reference: Sections 39515, 39516, 39605, 40001, and 41954 Health and Safety Code.

Adopt new Section 94162, Article 2, Subchapter 8, Chapter 1, Division III, Title 17, California Code of Regulations as follows:

Section 94162. Test Method for Determining Vapor Piping Connection of Underground Gasoline Storage Tanks

The test method for determining the vapor piping connection of underground gasoline storage tanks is set forth in the Air Resources Board's TP-201.3C "Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)" which is incorporated herein by reference. (Adoption: [date of adoption]).

NOTE: Authority Granted cited: Sections 39600, 39601, 39607, 41954, and 41962 Health and Safety Code. Reference: Sections 39515, 39516, 39605, and 40001 Health and Safety Code.