

State of California
AIR RESOURCES BOARD

Resolution 04-21

July 22, 2004

Agenda Item No.: 04-7-5

WHEREAS, the Air Resources Board (ARB or Board) has adopted Enhanced Vapor Recovery (EVR) regulations for certification and testing of vapor recovery systems installed at gasoline dispensing facilities (service stations and similar facilities), as set forth in sections 94010-94015, and 94148–94167, title 17, California Code of Regulations (CCR), and the documents incorporated by reference therein;

WHEREAS, the Certification Procedure of Vapor Recovery Systems of Dispensing Facilities (CP-201) is among the documents incorporated by reference into title 17, CCR, section 94011;

WHEREAS, CP-201, Table 2-1 specifies the effective and operative dates of the EVR performance standards and specifications;

WHEREAS, gasoline dispensing facilities subject to vapor recovery requirements must comply with EVR standards within four years of the standard effective date as provided in H&SC 41956.1;

WHEREAS, gasoline dispensing facilities subject to vapor recovery requirements are required to have Phase II systems that are compatible with fueling vehicles equipped with Onboard Refueling Vapor Recovery (ORVR) by April 1, 2005;

WHEREAS, section 4.11 of CP-201 requires use of unihose dispensers for gasoline dispensing facilities installed after April 1, 2003;

WHEREAS, section 4.11 of CP-201 requires use of unihose dispensers for gasoline dispensing facilities installed prior to April 1, 2003, when the facility replaces more than 50 percent of the dispensers or makes a modification, other than the installation of required sensors, that modifies over 50 percent of the vapor piping in the dispenser;

WHEREAS, upgrades to make assist Phase II systems compatible with ORVR vehicles can modify over 50 percent of the vapor piping in the dispenser and thus trigger the unihose requirement, which can require replacement of existing dispensers;

WHEREAS, replacement of dispensers to achieve ORVR compatibility is not cost-effective for some stations;

WHEREAS, the Board's staff has proposed revisions to section 4.11 of CP-201 that will allow upgrades to ORVR compatible systems without triggering the unihose requirement and thus reduce costs to station operators;

WHEREAS, the Board's staff has proposed amendments to title 17, CCR, section 94011, which incorporates by reference the revised vapor recovery certification procedure;

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

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

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

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

WHEREAS, the Board finds that:

Amendment of the provisions of title 17, California Code of Regulations, as set forth in Attachment A hereto, and the incorporation of the proposed amended vapor recovery certification procedure as set forth in Attachment B hereto, are necessary and appropriate to satisfy the requirements of sections 39601, 39607(d), 41950, and 41954 of the Health and Safety Code;

The actions approved herein will have no significant adverse environmental impacts; and

There is no reasonable alternative considered by the Board or otherwise identified that 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 or businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves section 94011, title 17, California Code of Regulations, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 04-21, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board

Resolution

July 22, 2004

Identification of Attachment to the Resolution

Attachment A: Amendments to section 94011, title 17, California Code of Regulations and the documents incorporated by reference therein, as noticed on June 4, 2004.