

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

CONSIDERATION OF PROPOSED AMENDMENTS TO THE VAPOR RECOVERY
EQUIPMENT DEFECTS LIST

Public Availability Date: April 16, 2008
Deadline for Public Comment: May 1, 2008

California Health and Safety Code (HSC) section 41960.2(c) requires the Executive Officer of the Air Resources Board (ARB or Board) to identify and list defects in vapor recovery equipment that substantially impair the effectiveness of systems to collect vehicle gasoline refueling emissions. On June 26, 2007, the ARB initiated a notice of public comment period to consider proposed amendments to the Vapor Recovery Equipment Defects (VRED) List incorporated by reference in section 94006(b), of title 17, California Code of Regulations (CCR).

The update to the current VRED List includes: (1) removal of tables for Executive Orders (EO) pertaining to equipment that is no longer valid for use in California, (2) changing the way EOs for aboveground storage tank systems are identified, and (3) inclusion of defects in equipment or systems that have been certified in EOs signed since the last amendment to the existing VRED List, June 22, 2005.

After the public comment period ended on August 21, 2007, Bill Loscutt, Chief of the Monitoring and Laboratory Division, acting on behalf of the ARB Executive Officer, considered the proposed amendments to the VRED List. The public notice for this item stated that a hearing would be held only if a request was received. No hearing request was received.

As part of the public comment period, one official comment was received suggesting three VRED changes. The changes were considered by ARB staff and modifications were made to the proposed VRED List based on this comment. The three changes in the comment include a CAPCOA request to maintain several tables removed as per item (1) in the second paragraph of this notice, more specific references for some Verification Procedures, and establishing an insertion interlock mechanism defect for the Healy Enhanced Vapor Recovery tables. The insertion interlock mechanism defect does not comply with the VRED criteria of §94006(a), title 17, CCR and as such will not be included. Additional Verification Procedures (VR-203 exhibits 10, 5, and 9) have been added to the "Defect Identification Methods Used In the Verification Procedure Column" list on the last page of the proposed VRED List. Also, since the end of the public comment period, a new vapor recovery EO has been signed: VR-203-A: VST Phase II Enhanced Vapor Recovery System. These EOs are available online at <http://www.arb.ca.gov/vapor/eo.htm>. This is an Enhanced Vapor Recovery balance

system for facilities with an annual throughput of 600,000 gallons or less. At this time, ARB staff is proposing to add a table to the VRED List to incorporate those defects applicable to VR-203-A. Finally, with this notice we are indicating in the proposed modified text that Section 94006(b) of Title 17 is being amended solely to show the new amendment date, as originally noticed.

The purpose of this notice is to invite comments on the newly proposed modified text (known as "15-day changes"). The comment period will run from April 16, 2008 through May 1, 2008. Comments must be limited to the modifications set forth in the attachment to this notice. The originally proposed amendments (published on July 6, 2007) are shown in underline to indicate additions and ~~striethrough~~ to indicate deletions. The proposed modifications to the original proposal are shown in double underline to indicate additions and ~~double striethrough~~ to indicate deletions. A final decision on the amendments to the defects list will be made after the comment period for the 15-day changes has closed. The final decision will be based upon all material in the record. This determination will be made by the ARB Executive Officer, Mr. James Goldstene.

The VRED List with the newly modified sections (the proposed 15-day changes) in double underline for additions or ~~double striethrough~~ for deletions, and other regulatory documents for this rulemaking, including the ISOR/staff report, are available online at the following ARB internet site:

<http://www.arb.ca.gov/regact/2007/vrdef07/vrdef07.htm>

If you would like a hard copy of this notice and its attachments please telephone R. Neil Nipper at (916) 445-9391. Inquiries concerning the substance of the proposed regulations should be directed to Ranjit Bhullar, Manager, Vapor Recovery In-Use Program Section, Stationary Source Testing Branch, Monitoring and Laboratory Division, by telephone at (916) 322-0223 or R. Neil Nipper, Air Resources Engineer, Vapor Recovery In-Use Program Section, Stationary Source Testing Branch, Monitoring and Laboratory Division, by telephone at (916) 445-9391.

Written comments on the modifications approved by Mr. Loscutoff may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

Attachments