

State of California
AIR RESOURCES BOARD

Executive Order R-08-006

Relating to the Amendments to the List of Equipment Defects that Substantially Impair the Effectiveness of Gasoline Vapor Recovery Systems, section 94006, title 17, California Code of Regulations

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or 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 41960.2(c)(1) of the Health and Safety Code requires the Executive Officer of the ARB to identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants;

WHEREAS, section 41960.2(c)(1) of the Health and Safety Code also requires the Executive Officer to specify the defects in the applicable certification documents for each certified vapor recovery system;

WHEREAS, section 41960.2(c)(2) and (c) (3) of the Health and Safety Code requires the Executive Officer to review the list at a public workshop at least once every three years or upon written request, to determine whether the list should be updated to reflect changes in equipment technology or performance;

WHEREAS, section 94006, title 17, California Code of Regulations, titled "Defects Substantially Impairing the Effectiveness of Vapor Recovery Systems Used in Motor Vehicle Fueling Operations," was amended in 2002 to add criteria for the determination of "substantial impairment" and to consolidate defects listed in separate vapor recovery system certification orders into a single Vapor Recovery Equipment Defects List, incorporated by reference therein;

WHEREAS, a public workshop was held on November 9, 2006, to review the Vapor Recovery Equipment Defects List and the Executive Officer determined that an update of the list was necessary to ensure that all substantial defects are described in a manner that is capable of being understood and easy to cite;

WHEREAS, staff anticipates a continued period of change in vapor recovery equipment, with many of the currently listed substantial defects being superseded as components meeting the Board's requirements are certified;

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, the proposed defects list update has been developed at meetings with air district vapor recovery enforcement staff, vapor recovery equipment manufacturers, and gasoline facility operator associations, as well as at a public workshop on November 9, 2006;

WHEREAS, a 45-day public comment period was held from June 26, 2007 through August 21, 2007, an additional 15-day public comment period was held from April 16, to May 1, 2008, and other administrative proceedings have been conducted in accordance with the provisions of chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code; and

WHEREAS, after considering all information in the record and the recommendations of ARB staff, the Executive Officer finds that:

1. The emissions captured by vapor recovery equipment include volatile organic carbons hydrocarbons, an ozone precursor, and benzene, a toxic air contaminant.
2. The emission reductions attributed to the vapor recovery program currently set forth in the State Implementation Plan (SIP) required by the federal Clean Air Act, are 410 tons per day of hydrocarbons.
3. The defects listed in the document titled "Vapor Recovery Equipment Defects List," as amended and set forth in Attachment A hereto and incorporated by reference herein, substantially impair the effectiveness of the gasoline vapor recovery systems in reducing air contaminants during motor vehicle fueling operations.
4. More effective and consistent enforcement of gasoline vapor recovery requirements is necessary statewide in order to meet the emission reduction target for vapor recovery equipment in the SIP.
5. Clearer identification of listed equipment defects, set forth in the Vapor Recovery Equipment Defects List incorporated by reference into section 94006(b) of title 17 of the California Code of Regulations and in the individual certification documents, will enhance both compliance by station operators and enforcement by air district inspection personnel of vapor recovery requirements pertaining to equipment used in vehicle fueling operations.
6. The phase-in of enhanced vapor recovery (EVR) will result in new systems and equipment being certified and the need to keep pace with their

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insert date

Identification of Attachments to the Executive Order

Attachment A: The Vapor Recovery Equipment Defects (VRED) List.