

Executive Order R-21-002

Relating to Proposed Amendments to the Enhanced Vapor Recovery Regulations for Gasoline Dispensing Facilities

Whereas, on December 10, 2020, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the Proposed Amendments to the Enhanced Vapor Recovery Regulations for Gasoline Dispensing Facilities, as set forth in Appendix A to the Initial Statement of Reasons (ISOR) released to the public on October 20, 2020;

Whereas, the environmental analysis prepared under CARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the ISOR concluded that the amendments are exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) and section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows with certainty that the amendments will enhance the environment by better protecting the public from health impacts associated with exposure to ozone (formed by reaction of reactive organic gases and nitrogen oxide in the presence of sunlight) and benzene (a toxic air contaminant), the regulatory process involves procedures for protection of the environment, and there is no possibility that the proposed activity may result in a significant adverse impact on the environment, as described in Chapter VI of the ISOR;

Whereas, following the public hearing, the Board adopted Resolution 20-36 in which the Board approved for adoption amendments to sections 94010, 94011, 94016, and 94017, title 17 California Code of Regulations, as set forth in Appendix A, and the documents incorporated by reference by these regulations, as set forth in Appendices B through H of the ISOR released to the public on October 20, 2020;

Whereas, Resolution 20-36, directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;

Whereas, modified regulatory language and supporting documentation were circulated for 15-day public comment period, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from May 4, 2021 through May 19, 2021;

Whereas, a number of written comments were received during the initial 45-day comment period, and those comments were considered by the Executive Officer;

Whereas, no written comments were received during the subsequent 15-day public comment period;

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 20-36 are incorporated herein.

It Is Further Ordered that sections 94010, 94011, 94016, and 94017, Title 17 California Code of Regulations, which incorporate by reference the following documents: D-200, Definitions for Vapor Recovery Procedures; CP-201, Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Underground Storage Tanks; CP-206, Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks; CP-207, Certification Procedures for Enhanced Conventional (ECO) Nozzles and Low Permeation Hose at Gasoline Dispensing Facilities; TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly; TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves; and TP-201.2I, Test Procedure for In-Station Diagnostic Systems, are amended as set forth in Attachments 1 through 8 to this Order.

It Is Further Ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 12th day of July, 2021 at Sacramento, California.



Richard W. Corey
Executive Officer

Attachments