Updated Informative Digest

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

Sections Affected: Proposed amendments to title 17, California Code of Regulations, sections 94010, 94011, 94016, and 94017.

Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)):

The following documents are incorporated in the regulation by reference in California Code of Regulations, title 17, sections 94010, 94011, 94016, and 94017, respectively:

- D-200 – Definitions for Vapor Recovery Procedures, as last amended on July 12, 2021.
- CP-201 – Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Underground Storage Tanks, as last amended on July 12, 2021, including:
    - TP-201.1C – Leak Rate of Drop Tube/Drain Valve Assembly, as last amended on July 12, 2021.
    - TP-201.1D – Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves as last amended on July 12, 2021.
    - TP-201.2I – Test Procedure for In-Station Diagnostic Systems, as last amended on July 12, 2021.
- CP-206 – Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks, as last amended on July 12, 2021.
- CP-207 – Certification Procedure for Enhanced Conventional (ECO) Nozzles and Low Permeation Conventional Hoses for Use at Gasoline Dispensing Facilities, as last amended on July 12, 2021.

The above listed documents are also being amended by this regulation and thus the amendment is the date that the regulation was approved by the California Air Resources Board (CARB or Board).

In addition, the following documents would be incorporated in the regulation by reference in CP-201, CP-206, and CP-207:

- Society of Automotive Engineers (SAE), 2019. Surface Vehicle Recommended Practice SAE J285: Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines, as revised by SAE April 2019. Copyrighted.
- SAE, 2019. Recommended Practice SAE J1140: Filler Pipes and Openings of Motor Vehicle Fuel Tanks, as revised by SAE October 2019. Copyrighted.

Description of Regulatory Action

State law requires CARB to adopt procedures to certify and test vapor recovery systems or components used at gasoline dispensing facilities (GDF). Since the first certification and test procedures were adopted in 1975, CARB has periodically updated these procedures to reflect improvements in vapor recovery technologies, to modify requirements for new and existing installations to achieve additional emission reductions, and to improve cost-effectiveness. CARB approved Enhanced Vapor Recovery (EVR) regulations for GDFs equipped with underground storage tanks and aboveground storage tanks (ASTs) in March 2000 and June 2007, respectively. Over the last two decades, CARB has amended the EVR regulations numerous times to continue to refine requirements and improve their cost effectiveness, practicality, and efficiency.

On October 20, 2020, CARB released the Notice of Public Hearing (45-Day Notice) and Staff Report: Initial Statement of Reasons for Rulemaking (Staff Report) entitled "Public Hearing to Consider Proposed Amendments to Enhanced Vapor Recovery Regulations for Gasoline Dispensing Facilities," for public review. The proposed amendments refine some parts of the EVR regulations to improve cost effectiveness, preserve the current level of air quality benefits, and clarify and improve the certification and test procedures for better regulatory certainty and enforceability. The 45-Day Notice contains an informative digest of the proposed action and policy statement overview (Informative Digest) and the Staff Report contains a description of the rationale for the amendments. On October 20, 2020, all references relied upon and identified in the Staff Report were made available to the public. CARB received two written comments during the 45-Day Notice comment period.

On December 10, 2020, CARB conducted a public hearing. CARB staff informed the Board of the proposed amendments to the EVR regulations and the Board received written and oral comments from the public. The Board heard public testimony from four individuals/organizations, one of which also submitted presentation slides for the Board's consideration. One additional individual/organization submitted written comments during the hearing. At the conclusion of the hearing, the Board approved Resolution 20-36 for adoption of the proposed amendments to CARB's existing EVR regulations.

CARB staff informed the Board during the hearing that a follow-up evaluation and modifications to the proposed amendments may be necessary in response to one of the public comments. In accordance with Government Code section 11346.8, the Board directed the Executive Officer to adopt the proposed amendments after making any appropriate conforming modifications, as well as any additional supporting documents and information, available to the public for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

In light of the comments received and follow-up evaluation by CARB staff, the Executive Officer made appropriate conforming modifications to the proposed amendments and an additional supporting document available for public review, as described in the next section. None of the background information or other sections of the Informative Digest have changed since the publication of the 45-Day Notice.

Subsequent to the hearing, CARB released a Notice of Public Availability of Modified Text and Availability of Additional Documents and Information (15-Day Notice) on May 4, 2021. The text of the proposed regulatory modifications was posted on CARB's website at https://ww2.arb.ca.gov/rulemaking/2020/evr2020, accessible to all stakeholders and interested parties. In addition, the 15-Day Notice placed a revised technical support document into the regulatory record.

The 15-Day Notice modifications to the originally proposed amendments do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications do not alter the compliance responses. Consequently, no additional environmental analysis or recirculation of the environmental analysis is required.

During the 15-Day Notice comment period, no written comments were submitted. Staff subsequently prepared written responses to the written comments received during the 45-Day comment period, as set forth in the Final Statement of Reasons. The Executive Officer adopted the regulatory amendments after addressing all appropriate modifications.

Summary of 15-Day Notice Modifications

The substantive 15-Day Notice modifications included clarifications and corrections to two test procedures, which are incorporated in the regulation by reference in California Code of Regulations, Title 17, §§ 94011 and 94016:

- TP-201.1C – Leak Rate of Drop Tube/Drain Valve Assembly

- TP-201.1D – Leak Rate of Drop Tube Overfill Prevention Devices and Spill Container Drain Valves

The modifications to TP 201.1C and TP 201.1D are intended to further improve the test procedures to better accommodate remote fill Phase I system configurations. The proposed modifications are based upon an engineering evaluation performed by CARB staff, which was conducted in response to a comment submitted during the 45-day public review period prior to the December 2020 Board hearing. Staff's February 2021 engineering evaluation has been added to the revised technical support document, "Pressure-Up Time for Drop Tubes of GDF's Equipped with Remote Fill Configurations, Equation Development and Field Test Verification," described in the next section of this notice.

The substantive modifications include changes to several parts of TP-201.1D to accomplish the following:

- To ensure the correct maximum pressure-up time is selected from Table 1, modifications clarify that the vertical segment, in addition to the horizontal segment, of the fill pipe assembly must be measured, and that an additional 25 percent must be added to the field measurement of the horizontal segment to account for unseen underground pipe slope and bends. The testing result could be a false indication of system leaks (i.e., test "failure") if a lower maximum pressure-up time is incorrectly selected from Table 1 because the total pipe assembly length is underestimated.
- To account for the presence of a restrictor plate and trap door that may be installed below the adaptor within the direct product riser at a GDF, modifications indicate a "tank gauging stick" may be needed to obtain vertical measurements. The presence of a restrictor plate and trap door prevent the measurement of the vertical length of the drop tube portion of the fill pipe assembly using a typical tape measure, and prevent the installation of an inflatable bladder in the drop tube needed to isolate the remote fill spill container drain valve from the overfill prevention device to test the leak rate of the drain valve.
- To facilitate the determination of whether drain valves comply with the applicable performance standard, modifications clarify that an inflatable bladder is installed below the spill container drain valve at the remote fill access point rather than the drop tube.

Though the February 2021 engineering evaluation focused on amendments for TP-201.1D, its findings led CARB to re-consider the amendments for TP-201.1C and to identify a simpler approach to quantify the leak rate of spill container drain valve assemblies at GDFs with remote fill Phase I configurations that do not have overfill prevention devices. Modified language instructs contractors to install the inflatable

bladder below the spill container drain valve at the remote fill access point. With this modification, it is no longer necessary to adjust the allowable pressure-up time to account for length of the product pipe assembly, nor to reference a pressure-up time table for testing drain valve assemblies for GDFs with remote fill configurations.

The non-substantive 15-Day Notice modifications to TP-201.1C and TP-201.1D include corrections to typographical errors, punctuation, spelling, numbering, and formatting, and other non-substantive revisions made to improve clarity.

Additional Document Added to the Record

In the interest of completeness and in accordance with Government Code section 11347.1, subdivision (a), CARB added to the rulemaking record the following revised version of a document that was previously included in the record:

> CARB. 2021. Technical Support Document: Pressure-Up Time for Drop Tubes of GDF's Equipped with Remote Fill Configurations, Equation Development and Field Test Verification. Report prepared by staff of the Vapor Recovery and Fuel Transfer Branch, Monitoring and Laboratory Division, California Air Resources Board (CARB). August 1, 2020, revised February 26, 2021.

This document was posted for public review on CARB's website at https://ww2.arb.ca.gov/resources/documents/information-about-proposed-amendments-enhanced-vapor-recovery-regulations, accessible to all stakeholders and interested parties.