

State of California
AIR RESOURCES BOARD

**Second 15-day Notice of Public Availability
of Modified Text**

AMENDMENTS TO CERTIFICATION AND TEST PROCEDURES FOR VAPOR
RECOVERY SYSTEMS AT GASOLINE DISPENSING FACILITIES (GDF) AND
CARGO TANKS

Public Hearing Date: July 25, 2013

First 15-day Public Availability Release Dates: March 3, 2014 – March 18, 2014

Second 15-day Public Availability Release Dates: September 16, 2014

Deadline for Public Comment: October 1, 2014

This notice announces a second supplemental period during which the public may comment on additional proposed modifications to the proposed Amendments to Certification and Test Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities (GDF) and Cargo Tanks.

At its July 25, 2013 public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed amendments to sections 94011, 94014, and 94016, title 17, California Code of Regulations (CCR), which incorporate by reference vapor recovery certification procedures and test procedures. The following documents are incorporated by reference in the regulations: *Certification Procedure for Vapor Recovery Systems of Cargo Tanks*, CP-204, last amended March 17, 1999; *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks*, CP-206, last amended January 9, 2013; *Volumetric Efficiency for Phase I Vapor Recovery Systems*, TP-201.1, last amended July 26, 2012; *Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks*, TP-204.1, last amended March 17, 1999; *Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks*, TP-204.2, last amended March 17, 1999; *Determination of Leak(s)*, TP-204.3, last amended March 17, 1999.

At the hearing, the Board adopted Board Resolution 13-32, and thereby approved for adoption amendments to sections 94011, 94014, and 94016, title 17, CCR, as well as amendments to the incorporated certification and test procedures set forth in Resolution 13-32. The proposed amendments harmonize California's cargo tank vapor recovery program requirements with existing federal requirements, and address technical deficiencies with two test procedures used by ARB staff during certification of vapor recovery equipment for gasoline dispensing facilities (The amendments to section 94011, title 17, CCR and to *Volumetric Efficiency for Phase I Vapor Recovery Systems*, TP-201.1 were later withdrawn and are no longer part of the proposed amendments.) Resolution 13-32 and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2013/cargo2013/cargo2013.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. The Board further directed the Executive Officer to consider such written comments as may be submitted during the comment period, to make such modifications as may be appropriate in light of the comments received, and to present the regulations to the Board for further consideration if warranted.

As directed by the Board on July 25, 2013, the First Notice of Public Availability of Modified Text and Availability of Additional Documents and Information (First 15-day Change Notice) was issued on March 3, 2014.

The regulation was sent to the Office of Administrative Law (OAL) for review and was disapproved in a decision dated July 15, 2014, the details of which can be found at the following ARB website: <http://www.arb.ca.gov/regact/2013/cargo2013/cargo2013.htm>

This Second Notice of Public Availability of Modified Text (Second 15-day Change Notice) addresses the concerns raised by OAL in their July 15, 2014 decision of disapproval, and includes additional modifications to improve clarity and correct minor errors in the incorporated certification and test procedures.

The modifications consist primarily of clarifications to provide clarity, consistency, and improved readability. The modifications do not significantly change the certification or test procedures. Staff has determined that these modifications do not change implementation of the regulation in any way that alters any of the conclusions of the environmental analysis (EA) included in the Staff Report released on June 5, 2013. These modifications do not cause any changes that alter the air quality emissions assessment or otherwise result in any other significant adverse environmental impacts because providing clarity, consistency, and readability in the test and certification procedures does not change the compliance responses to the regulation or implementation of the regulation in a way that could result in any adverse environmental impacts. This is because these modifications are primarily administrative in nature. Further, there are no changes in circumstances or new information resulting from these modifications that would otherwise warrant any additional environmental analysis under ARB's certified regulatory program at title 17, CCR, sections 60001-60007.

This notice is an announcement of the opening of a **second 15-day public comment period** in which the public may provide comments on proposed modifications (discussed below) to the Vapor Recovery and Cargo Tank Certification and Test Procedures. The additional proposed modifications will improve clarity while preserving the intent of the Board-approved amendments. The Administrative Procedure Act requires that staff respond to comments on changes that are noticed. Therefore, as part of this 15-day comment period, staff will only address comments that are responsive to this notice or the changes detailed in the attachments to this notice, which are summarized below.

Summary of Proposed Modifications

Attachments 1 through 4 to this notice contain newly proposed modifications to certification and test procedures that are incorporated by reference in title 17, CCR, sections 94014 and 94016. The newly-proposed modifications are shown in **bold double underline** to indicate additions and ~~**bold double underline**~~ to indicate deletions. Please see the text at the bottom of the title page of each of the Attachments for additional information regarding how the modifications are indicated within each document.

CP-204 – “Certification Procedure for Vapor Recovery Systems of Cargo Tanks.” This certification procedure has been amended to correct a numbering error in subdivision 2.1.

TP-204.1 – “Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks.” Subdivision 9.1 has been amended to provide the amendment date for U.S. EPA Test Method 27. Subdivision 9.1.b of this test procedure has been amended to correct a typographical error in a citation to the Code of Federal Regulations. Minor typographical and grammatical changes have also been made to this test procedure.

TP-204.3 – “Determination of Leak(s).” The text of this test procedure has been revised to accurately show the deletion of subdivision 9.

TP-206.4 - “Volumetric Efficiency of Phase I Vapor Recovery Systems for Aboveground Storage Tanks.” This test procedure has been amended to provide an entry on the form titled “Form 1: TP-206.4-AST Example Field Data Sheet” for the CARB decal number and the delivery company name, as well as for additional test parameters. This test procedure has also been amended to clarify a reference to the Daily Static Pressure Performance Standard as defined in CP-204, and to correct a reference in subdivision 1 to the title of CP-206. This test procedure has also been amended to clarify which test parameters must be recorded during pre-test and testing procedures. Minor typographical and grammatical changes have also been made to this test procedure.

Additional minor, non-substantive amendments have been made to these certification and test procedures in order to correct grammatical errors, clarify existing provisions, and to make formatting and terminology more consistent with other similar ARB vapor recovery certification and test procedures.

Submission of Comments

Written comments will only be accepted on the modifications described in this notice and may be submitted by postal mail or electronic mail submittal 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>

Please note that under the California Public Records Act (Gov. Code § 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.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the two 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.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alterno ó otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachments

1. 15-Day Modifications to Text of CP-204 – *"Certification Procedure for Vapor Recovery Systems of Cargo Tanks"*
2. 15-Day Modifications to Text of TP-204.1 – *"Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks"*
3. 15-Day Modifications to Text of TP-204.3 – *"Determination of Leak(s)"*
4. 15-Day Modifications to Text of TP-206.4 - *"Volumetric Efficiency of Phase I Vapor Recovery Systems for Aboveground Storage Tanks"*