

## **UPDATED INFORMATIVE DIGEST**

### **CERTIFICATION PROCEDURES FOR VAPOR RECOVERY SYSTEMS AT GASOLINE DISPENSING FACILITIES: ABOVEGROUND STORAGE TANKS AND ENHANCED CONVENTIONAL NOZZLES**

#### **Sections Affected:**

Amendments to California Code of Regulations, Title 17, Sections 94010, 94011, 94016, and adoption of new Section 94017.

#### **Documents Incorporated by Reference:**

The following documents will be incorporated in the regulation by reference in California Code of Regulations, Title 17, Sections 94010, 94011, 94016, and 94017.

1. D-200, Definitions for Vapor Recovery Procedures
2. Certification Procedure 201 – Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities
3. Certification Procedure 206 – Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks
4. Certification Procedure 207 – Certification Procedure for Enhanced Conventional (ECO) Nozzles and Low Permeation Conventional Hoses for Use at Gasoline Dispensing Facilities

#### **Background and Effect of the Proposed Rulemaking:**

California's vapor recovery program controls emissions associated with the storage and transfer of gasoline from storage tanks at terminals or bulk plants to tanker trucks, from tanker trucks to storage tanks at gasoline dispensing facilities (GDF), and from the GDF tank to the vehicle's fuel tank during vehicle fueling. ARB and the air pollution control/air quality management districts (air districts) share responsibility for implementing the vapor recovery program. ARB staff certifies prototype vapor recovery systems installed at operating GDFs. State law requires that throughout California only ARB-certified systems be offered for sale, sold, and installed. Air district staff inspects and tests the vapor recovery system upon installation during the permit process and conducts regular inspections to check that systems are operating as certified.

ARB staff is proposing to make amendments to several of the current vapor recovery certification procedures, and proposes adoption of a new certification procedure for enhanced conventional nozzles. The proposed amendments to certification procedures would:

1. Adopt new performance standards and specifications for nozzles used at non-retail GDFs that have been excluded by the air districts from Phase II vapor recovery, because they fuel a fleet of newer vehicles that process gasoline vapors on-board the vehicles (on-board refueling vapor recovery or ORVR). Establishing standards and specifications for these nozzles, which are referred to as ECO nozzles, would promote consistency statewide and yield further reductions in emissions.
2. Amend requirements to allow for the continued use of pre-Enhanced Vapor Recovery Phase I systems on certain aboveground storage tanks until the end of the useful life of those systems, thereby improving cost-effectiveness while achieving emission reductions in areas where they are most needed.
3. Clarify existing requirements for manufacturers of vapor recovery equipment used on underground storage tanks, aboveground storage tanks, and ORVR fleet fueling facilities. These clarifications would better allow ARB staff to ensure that mass-produced vapor recovery equipment matches the performance standards and specifications of the equipment as evaluated during ARB certification.

### **Description of Regulatory Action:**

At the April 23, 2015 public hearing, the Board approved the proposed amendments summarized below, as they were noticed on March 6, 2015, in the California Regulatory Notice Register (Register 2015, No. 10–Z) and as set forth in the Staff Report: Initial Statement of Reasons, released on March 3, 2015.

D-200 – *“Definitions for Vapor Recovery Procedures”* has been amended to include key terms associated with the changes made to the certification procedures for aboveground storage tanks and ECO nozzles.

Certification Procedure 201 – *“Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities”* has been amended to clarify existing requirements for manufacturers to provide ARB with certain information when submitting an application to have their vapor recovery equipment certified.

Certification Procedure 206 – *“Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks”* has been amended to ease implementation and improve cost effectiveness of existing Phase I enhanced vapor recovery requirements. Additionally, this certification procedure was amended to clarify existing requirements for manufacturers to provide ARB with certain information when submitting an application to have their vapor recovery equipment certified.

Certification Procedure 207 – *“Certification Procedure for Enhanced Conventional (ECO) Nozzles and Low Permeation Conventional Hoses for Use at Gasoline Dispensing Facilities”* has been adopted, providing new performance standards and specifications for nozzles used at non-retail GDFs fueling ORVR fleets. This certification procedure included requirements for manufacturers to provide ARB with certain information when submitting an application to have ECO nozzles and low permeation hoses certified.

After the Board hearing, ARB staff made various non-substantial and grammatical changes to the regulations as authorized under Government Code section 11346.8(c) and section 40 of title 2 of the California Code of Regulations.

**Comparable Federal Regulations:**

There are no federal regulations that are directly comparable to California’s Enhanced Vapor Recovery (EVR) program for ASTs, and there are no federal regulations establishing a maximum allowable spillage rate from gasoline dispensing nozzles that refuel ORVR vehicles. However, U.S. EPA has promulgated federal regulations mandating GDFs in certain areas outside of California to install Stage I systems that are similar to the Phase I systems certified by ARB. Other states or countries often require the installation of vapor recovery systems certified by ARB. Thus, changes to ARB EVR certification requirements may have a national and international impact.