



Air Pollution Control Board

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COMPLIANCE ADVISORY

NOTICE OF ADOPTION OF NEW RULES

61.3.1 - TRANSFER OF GASOLINE INTO STATIONARY UNDERGROUND STORAGE TANKS AND

61.4.1 - TRANSFER OF GASOLINE FROM STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE FUEL TANKS

On March 1, 2006, the Air Pollution Control Board adopted Rules 61.3.1-Transfer of Gasoline into Stationary Underground Storage Tanks and 61.4.1-Transfer of Gasoline from Underground Storage Tanks into Vehicle Fuel Tanks. Rule 61.3.1 applies to the transfer of gasoline from mobile transport tanks into any underground storage tank with a capacity of 250 gallons or more (Phase I Vapor Recovery). Rule 61.4.1 applies to the transfer of gasoline from stationary underground storage tanks into any motor vehicle fuel tank with a capacity greater than 5 gallons (Phase II Vapor Recovery).

These new rules replace existing Rules 61.3 and 61.4 for gasoline dispensing facilities with underground storage tanks. Existing Rules 61.3. and 61.4 continue to apply to other types of fuels and to gasoline dispensing facilities with aboveground tanks.

In 2001, the California Air Resources Board (CARB) promulgated Enhanced Vapor Recovery (EVR) regulations to improve the effectiveness of the vapor recovery program at gasoline service stations. New Rules 61.3.1 and 61.4.1 reflect the requirements of EVR and further reduce Volatile Organic Compound (VOC) emissions from gasoline transfer and dispensing operations.

Most of the provisions in Rules 61.3.1 and 61.4.1 are requirements from the State's EVR program. The Air Pollution Control District (District) has already been enforcing these requirements through the applicable CARB Executive Orders. Specifically, the new rules:

- Specify applicability of and exemptions from each rule.
- Provide definitions of the major terms included in the rules.
- Require gasoline emissions from a gasoline transfer and dispensing facility be controlled with CARB-certified Phase I (Rule 61.3.1) and Phase II (Rule 61.4.1)

vapor recovery systems. The systems must be installed, operated, and maintained in accordance with the most recent applicable CARB certification procedures and CARB Executive Orders. The Phase I and Phase II systems must be compatible.

- Require that Phase I and II vapor recovery systems be equipped with CARB-certified components. All components must be clearly identified by a permanent identification showing the manufacturer's name, model number, and a serial number unless a component is exempted from such identification by CARB.
- Prohibit any person to supply, sell, install, or allow the installation of vapor recovery systems unless the systems and their components are CARB certified.
- Require that vapor recovery systems and associated components (except for components with an allowable leak rate) be maintained free of liquid and vapor leaks. Liquid leaks and vapor leaks are defined by the rules. Components with an allowable leak rate must operate within such rate.
- Specify emission control efficiency and corresponding emission factors for vapor recovery systems, consistent with CARB standards.
- Effective September 1, 2006, require an Inspection and Maintenance (I&M) Program be in place to ensure proper operating conditions of all components of the Phase I and Phase II vapor recovery systems. The I&M program must also ensure ongoing compliance with applicable District rules and permit conditions. The required inspection frequency depends on facility gasoline throughput.
- Require vapor recovery systems be maintained free of defects as defined in Title 17 of the California Code of Regulations or as identified in the CARB Executive Orders for the vapor recovery systems installed. Prohibit use of components containing defects.
- Provide seven calendar days for repair, adjustment, or replacement of any component or system that has been identified as not being in good condition or not operating properly, but which does not contain a defect. For good cause and upon request of a facility owner or operator, the District may allow an additional seven days for such repair, adjustment, or replacement.
- Require an initial compliance test and subsequent periodic compliance tests (at least annually).
- Require records be maintained of initial and periodic compliance tests and all inspections, repairs, and maintenance performed. Both rules specify minimum information to be included in repair logs and test records.

In addition, new Rule 61.3.1 specifies connect/disconnect procedures for gasoline transfers from a cargo tank into an underground storage tank. Both the facility operator and the person conducting the gasoline transfer are responsible for complying with these requirements.

In addition, new Rule 61.4.1:

- Requires the Phase II vapor recovery system be CARB certified as compatible with Onboard Refueling Vapor Recovery (ORVR).
- Requires new, additional, or replacement dispensers to have only one hose and one nozzle for dispensing gasoline on each side. This unihose dispenser requirement applies to replacements only when more than 50% of dispensers are replaced.
- On and after September 1, 2006, requires conspicuously posted signs displaying nozzle operating instructions and a prohibition of topping off a vehicle fuel tank.
- Requires future replacement of current Phase II vapor recovery systems with new equipment certified to meet State EVR Phase II requirements. For existing stations, the deadline for applying for permits for the replacements is April 1, 2008, and for completing the replacement, January 1, 2009. New facilities, and those undergoing major modifications, must have EVR Phase II certified systems at startup.

Note: For existing facilities dispensing less than 600,000 gallons of gasoline per year, the District will be coordinating a further review of the EVR Phase II upgrade requirement and reporting to the Air Pollution Control Board on the results by late 2007.

- Requires facilities dispensing more than 600,000 gallons of gasoline per year install a CARB-certified, In-Station Diagnostic system by specified dates beginning in 2009.
- Provides a compliance schedule that may be revised by the District to coincide with later dates specified by CARB.

New requirements for contractors, installers and/or persons conducting vapor recovery testing:

- Persons conducting vapor recovery tests must have a testing training certificate from the South Coast Air Quality Management District or from an alternative training program approved by the District. Testers must be able to provide a copy of the training certificate and any records of test equipment calibrations required by the applicable test procedures.
- Persons conducting vapor recovery testing must conduct the test(s) in accordance with the procedures specified in the District Authority to Construct, or Permit to Operate, and the most recent CARB Executive Order(s) for the vapor recovery equipment being tested.

- Persons conducting a vapor recovery test must provide the owner or operator of the facility a complete and accurate test report within 15 days of the completion of the test or retest.
- On or after September 1, 2006, each contractor/installer must have successfully completed the manufacturer's training program for the vapor recovery system being installed.
- Persons installing, maintaining, or repairing vapor recovery equipment may be cited directly by the District for:
 - Installing or modifying a vapor recovery system without the required District Authority to Construct.
 - Installing an uncertified vapor recovery system or component.
 - Installing a component not certified for the specific vapor recovery system at a facility.
 - Installing, modifying, or repairing a certified system or certified component in a manner inconsistent with CARB's certification documents or the Authority to Construct.

Copies of Rules 61.3.1 and 61.4.1 can be obtained from the District's website at www.sdapcd.org under Rules and Regulations, or call Luann Serbesku at (858) 586-2755. If you have questions concerning the submission of an application for a permit to operate or a permit modification, please contact Mahiany Ponte at (858) 586-2725 or via e-mail at Mahiany.Ponte@sdcounty.ca.gov. If you have any questions regarding vapor recovery compliance issues, please contact Randy Smith at (858) 586-2677 or via e-mail at Randy.Smith@sdcounty.ca.gov.