



Air Pollution Control Board

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September 7, 2005

TO: Vapor Recovery Rules Workshop Participants and Other Interested Parties

FROM: Michael R. Lake, Assistant Director
Air Pollution Control District

**PROPOSED NEW RULE 61.3.1 - TRANSFER OF GASOLINE INTO STATIONARY
UNDERGROUND STORAGE TANKS AND RULE 61.4.1 - TRANSFER OF GASOLINE
FROM STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE FUEL
TANKS – PROPOSED RULES AND WORKSHOP REPORT**

On September 13, 2004, the San Diego County Air Pollution Control District (District) conducted a public workshop to receive comments on proposed changes to the District rules requiring vapor recovery systems at gasoline dispensing facilities. Numerous comments before, during, and following the workshop were received. In addition, the District discussed possible flexibility for rule requirements with the State Air Resources Board (CARB). Attached for your review is the workshop report as well as proposed changes to new Rules 61.3.1 and 61.4.1. Both proposed rules contain all updates that reflect the most recent version of the statewide Enhanced Vapor Recovery (EVR) program adopted by the CARB including In-Station Diagnostics installation requirements and a compliance schedule for the EVR Phase II in Rule 61.4.1. The compliance schedule for the EVR Phase I in Rule 61.3.1 has been deleted because the compliance date (April 1, 2005) has passed.

Please note that both proposed rules underwent significant revisions since the workshop. These revisions address concerns expressed during and following the workshop by the affected parties. The revisions are summarized below:

1. Section (d) – Equipment and Operation Requirements.

Both rules add a definition for "Contractor/Installer." The requirements for having CARB-certified EVR vapor recovery systems and components at a gasoline dispensing facility will also apply to a person who supplies, offers for sale, sells, or installs such systems. This will extend the responsibility for compliance with portions of the rules to sellers, contractors, and installers of vapor recovery systems.

Both rules will also require that all contractors and installers successfully complete a manufacturer's training program, and any relevant CARB or District required training program before installing, repairing, or maintaining EVR Phase I or Phase II vapor recovery system or its components. The rules will also include a requirement that the vapor recovery system be installed, maintained, and operated in

accordance with the system manufacturer's Installation, Operation, and Maintenance Manual, in addition to the most recent applicable CARB Executive Orders and Certification Procedures.

2. Section (f) – Source Testing.

The rules will specify that any person who conducts initial or periodic compliance source tests must complete additional training or certifications required by CARB or the vapor recovery system manufacturers. Initial and periodic compliance source tests must be conducted in accordance with the procedures specified in the Authority to Construct, Permit to Operate, and the most recent applicable CARB Executive Orders, and Certification Procedures. The proposed rules would also require persons conducting these tests to provide the owner or operator of the facility with a complete and accurate test report within 15 calendar days after the tests.

3. Section (g) – Recordkeeping.

Section (g) would no longer specify detailed repair log information that must be recorded. Instead, it requires an owner or operator of a gasoline dispensing facility to maintain all records and information required by the most recent CARB Executive Orders applicable to the particular vapor recovery system used in the facility. This information would then be specified in a facility's permit conditions.

Rule cost-effectiveness. The District has estimated the cost-effectiveness of the proposed rules for gasoline dispensing facilities in San Diego County. The District has concluded that some parts of the program (in particular, EVR Phase II) may not be cost-effective for the facilities with low annual gasoline throughput. It should be noted that these estimates are somewhat preliminary because only one Phase II EVR vapor recovery system is currently certified by CARB. It is expected that prices for such systems would decline when more of them are produced and certified by CARB. However, state law requires the District to implement and enforce vapor recovery regulations as they are promulgated by CARB, effectively disallowing any exemptions based on economic feasibility or cost-effectiveness for small facilities. The District discussed this issue at length with CARB legal and technical staff. As a result, CARB has agreed to revisit the EVR cost analysis for low-throughput facilities within the next two years. It is expected that, before the final compliance date of January 2009, more reliable cost information for Phase II EVR vapor recovery systems will become available.

If you have any questions or comments regarding the proposed rules or the workshop report, please contact Angela Durr at (858) 650-4541, Natalie Yates at (858) 650-4540, or the undersigned at (858) 650-4590, or visit the District's website at www.sdapcd.org.



MICHAEL R. LAKE, Assistant Director
Air Pollution Control District

MRL:NZ:ls

Attachment

**Air Pollution Control Board**

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| Greg Cox | District 1 |
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January 27, 2006

TO: Vapor Recovery Rules Workshop Participants
Other Interested Parties

**PROPOSED NEW RULE 61.3.1 AND NEW RULE 61.4.1
ADDITIONAL POST-WORKSHOP CHANGES**

On September 1, 2005, the San Diego County Air Pollution Control District (District) sent you a workshop report containing workshop comments, and District responses, regarding proposed Rules 61.3.1 and 61.4.1. Included were revised rule drafts. Since then, the District has made further revisions to the proposed rules. The substantive revisions are described below. The District is planning to present new Rules 61.3.1 and 61.4.1 for adoption at the March 1, 2006, Air Pollution Control Board public hearing.

Proposed Rule 61.4.1

Section (c) – Definitions. The definition of parcel of land has been deleted. Instead, the term as used in Subsections (a)(2)(ii) – Applicability, and (b)(1)(iv) – Exemptions will have the standard land-use meaning.

Subsection (d) – Equipment and Operational Requirements. A requirement has been added for the District to provide public notice and a 30-day public comment period if the District revises the gasoline dispensing threshold for In-Station Diagnostics (600,000 gal/year) to conform with any future revisions enacted by the California Air Resources Board (CARB).

Section (j) - Compliance Schedule. This section has been updated to delete the final compliance dates for implementing On-Board Refueling Vapor Recovery compatibility requirements. CARB's compliance dates for these Phase II upgrades will be fully in effect by March 1 when the Board considers new Rule 61.4.1.

In the September 2005 package, the District advised that it had had extensive discussions with Air Resources Board regarding the high costs of Enhanced Vapor Recovery (EVR) Phase II for low – volume facilities (less than 600,000 gallons per year gasoline throughput). Both agencies agreed that in order to resolve the issues raised by the District they will work together for the next 18 months to address Rule 61.4.1 cost-effectiveness for low-volume facilities. They also

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agreed that if it was determined that the rule is not cost-effective for low-volume gas stations CARB will propose emergency regulations to revise its requirements for such facilities. The District will report to the Air Pollution Control Board no later than September 2007 on the outcome of this evaluation and will be able to make a final recommendation regarding this issue prior to when affected low-volume facilities will need to submit applications to upgrade their Phase II systems.

Proposed Rule 61.3.1

Section (c) – Definitions. The definition of the term “Major Modification” has been deleted. It is no longer used in the rule since the CARB EVR Phase I upgrade requirements for existing underground tanks are now fully in effect.

Section (e) – Inspection and Maintenance Program. The requirement in Subsection (e)(2)(iv) to measure the distance between the highest level of each discharge opening of the submerged drop tube and the bottom of the storage tank during an annual inspection has been deleted. The requirement that the discharge opening of a submerged drop tube must be within six inches of the bottom of a tank *still applies*, and operators are responsible for compliance with the standard. However, the very low non-compliance rate for this standard does not warrant creating an additional inspection and record-keeping liability for operators.

Rules 61.3.1 and 61.4.1

Section (f) – Source Testing. In both rules a requirement has been added for a person conducting source tests to provide test equipment calibration and training certificate information to the District at any time upon request, in addition to at the time of the tests.

The proposed rules have also been revised to correct minor discrepancies and provide further clarifications and updates.

If you have any questions or comments regarding the proposed rules please contact Angela Durr at (858) 586-2753, Natalie Yates at (858) 586-2756, Steve Moore at (858) 586-2750, or the undersigned at (858) 586-2704, or visit the District’s website at www.sdapcd.org.



MICHAEL R. LAKE, Assistant Director
Air Pollution Control District

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Attachment

**AIR POLLUTION CONTROL DISTRICT
SAN DIEGO COUNTY**

WORKSHOP REPORT

**PROPOSED NEW RULE 61.3.1 - TRANSFER OF GASOLINE INTO
STATIONARY UNDERGROUND STORAGE TANKS**

AND

**PROPOSED NEW RULE 61.4.1 – TRANSFER OF GASOLINE FROM
STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE FUEL TANKS**

A workshop notice was mailed to all companies and government agencies in San Diego County that may be subject to proposed new Rule 61.3.1 – Transfer of Gasoline into Stationary Underground Storage Tanks and Rule 61.4.1 – Transfer of Gasoline from Stationary Underground Storage Tanks into Vehicle Fuel Tanks. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and other interested parties.

The workshop was held on September 13, 2004, and was attended by 29 people. Written comments were also received. The comments and Air Pollution Control District (District) responses are provided below:

PROPOSED NEW RULE 61.3.1

1. WRITTEN COMMENT:

The definition of delivery elbow in Section (c) should be revised to specify that a hose from a cargo tank should be connected to a storage tank pipe riser adaptor or coupler.

DISTRICT RESPONSE:

The District agrees and has revised the definition in Section (c) as suggested.

2. WRITTEN COMMENT:

The term Gasoline Transfer and Dispensing Facility (GDF) seems to be more technical than is really needed. Although gasoline is indeed transferred into the underground storage tanks at a GDF, service stations in vapor recovery regulations are typically called “gasoline dispensing facilities.”

DISTRICT RESPONSE:

The District agrees. The term has been changed to “Gasoline Dispensing Facility (GDF)” as suggested. The definition in proposed new Rule 61.4.1 has also been revised.

3. WORKSHOP COMMENT:

Section (c) includes two definitions for a liquid leak for cargo tanks. The difference between the two definitions is not clear.

DISTRICT RESPONSE:

The District agrees. The definition of a liquid leak for cargo tanks in Section (c) has been revised to include only one definition for a liquid leak applicable during a gasoline delivery by cargo tanks. This definition (a gasoline spill with a volume greater than 30 milliliters per single disconnect) is used by the District in determining whether there is a leak during a gasoline delivery.

4. WRITTEN COMMENT:

Part of the definition for a liquid leak for cargo tanks in Section (c) seems to refer to loading arms at top-loading bulk gasoline terminals. The requirement is not pertinent to this rule and should be deleted. In addition, there are no top-loaded gasoline tank trucks in the District.

DISTRICT RESPONSE:

The District has revised the definition in Section (c) to clarify the requirement and to delete the reference to top-loading operations.

5. WRITTEN COMMENT:

The definition of submerged drop-tube in Section (c) should be revised taking into consideration that a tank loaded through a side opening is technically not being filled by a drop-tube.

DISTRICT RESPONSE:

The District agrees. Rule 61.3.1 applies only to stationary underground storage tanks and since these tanks are not loaded from the side, the language relating to side loading has been removed.

6. WRITTEN COMMENT:

The definition of a vapor leak should specify that a gasoline vapor concentration is measured in parts per million by volume (ppmv).

DISTRICT RESPONSE:

The District agrees and has revised the definition in Section (c) as suggested. The definition of a vapor leak in proposed Rule 61.4.1 has also been revised.

7. WRITTEN COMMENT:

Where is the term "vapor leak" used in the rule?

DISTRICT RESPONSE:

The term vapor leak is used in the definition of the term "Vapor Tight" in Section (c). "Vapor Tight" is defined as an absence of a vapor leak.

8. WRITTEN COMMENT:

In Section (c), a vent pipe is defined as "... any pipe which is designed to convey an air/gasoline vapor mixture from the vapor recovery system to the atmosphere." This definition reflects the notion that vapors collected by the vapor recovery system are discharged uncontrolled to the atmosphere. The District should replace that definition with the following: "Vent Pipe means any pipe connected

to the vapor space of a stationary underground storage tank designed to allow relief of excess pressure.”

DISTRICT RESPONSE:

There are some currently certified Phase I vapor recovery systems where the vent pipe does in fact convey the vapor mixture from the vapor recovery system to the atmosphere. In addition, this wording assures that a vent pipe designed to relieve excess pressure would not circumvent the vapor recovery system.

9. WRITTEN COMMENT:

Section (d) “Equipment and Operation Requirements” could be simplified without changing the rule intent by stating that “A person shall not operate any gasoline dispensing facility unless each stationary underground storage tank is equipped with a CARB certified vapor recovery system by the dates specified in Section (i) of this rule.” All of the requirements stated in this section are incorporated in CARB Executive Orders for Phase I vapor recovery systems.

DISTRICT RESPONSE:

Section (d) provides equipment and operation requirements applicable to all Phase I vapor recovery systems. The CARB Executive Orders may contain additional requirements specific to a particular vapor recovery system. As of April 2005, all new and existing facilities were required to be equipped with the Enhanced Vapor Recovery (EVR) Phase I vapor recovery system. Therefore, Section (i) “Compliance Schedule” is no longer necessary and has been removed along with all references to it within Rule 61.3.1.

10. WORKSHOP COMMENT:

Section (d) requires all components be “... clearly identified by a permanent identification showing the manufacturer’s name, model number and a unique serial number...”. Many manufacturers use decals to provide identification of equipment. These decals fade or come off. The District should indicate that in such cases a Notice to Comply or a Notice to Repair will be issued. Alternatively, it can indicate that the verification of equipment make or manufacturer should be provided within 7 days without being considered a rule violation.

DISTRICT RESPONSE:

This situation is currently addressed by the District's Rule 6 “Minor Violations.” This rule classifies an absence of permanent identification on vapor recovery equipment as a minor violation. The rule specifies that “... when a minor violation is detected in the normal course of an inspection ...” a Notice to Comply will be issued to an owner or an operator of a facility. However, the rule also states that if a person or a facility received a Notice to Comply for a similar infraction within the previous 36 months, or the last 3 inspection cycles, whichever comes first, a Notice of Violation will be issued.

11. WORKSHOP COMMENT:

The District should require manufacturers to provide certified vapor recovery equipment with permanent identification.

DISTRICT RESPONSE:

The District has no jurisdiction over the manufacturers of vapor recovery equipment. That authority resides with CARB. The CARB Vapor Recovery Certification Procedures (CP-201), Section 9.4.1 already requires "... all components of vapor recovery systems be permanently identified with the manufacturer's name, part number and a unique serial number."

12. WORKSHOP COMMENT:

Section (d) states that facilities have to comply with the most recent CARB certification procedures and CARB Executive Orders. If CARB certifies a new version of the currently installed vapor recovery system, does the facility have to automatically upgrade the vapor recovery system to comply with the latest version of the Executive Order?

DISTRICT RESPONSE:

No. The Health and Safety Code provides that, in general, the District cannot require a currently installed system to be removed for a period of four years from the date of revocation or substantive modification of a CARB Executive Order. However, this does not apply in certain cases of system components where the newly certified components, such as pressure/vacuum (P/V) valves, hoses, or nozzles are compatible with existing systems. In that case, when existing components are replaced, CARB regulations may require they be replaced with the newly-certified system components.

13. WRITTEN COMMENT:

Section (d) states that facilities have to comply with the most recent CARB certification procedures and CARB Executive Orders. If a facility complies with the most recent Executive Order, but the facility Permit to Operate references an older version of the Executive Order, would a facility be out of compliance with its permit conditions?

DISTRICT RESPONSE:

No. A facility complying with a more recent CARB Executive Order for the make and model of vapor recovery system installed at the facility would not be in violation of that permit requirement.

14. WORKSHOP COMMENT:

Section (d) specifies a static rotational torque requirement of 108 pound-inch. This torque standard applies to the Phil-Tite vapor recovery system. The specific torque standard should not be included in case there are other vapor recovery systems that require a different torque standard.

DISTRICT RESPONSE:

CARB's vapor recovery regulation, CP-201, states that a torque standard of 108 pound-inch is applicable to all Phase I vapor recovery systems. Nevertheless, Section (d) of proposed Rule 61.3.1 also states that its provisions are applicable "... when required by the applicable CARB Executive Order...". The rule allows future flexibility should CARB establish alternative system-specific requirements in Executive Orders.

15. WORKSHOP COMMENT:

The District should consider moving the sentence in Section (d) "Each spill box shall be maintained free of standing gasoline..." to a different part of the section. It should be clear that this requirement is an actual emission standard.

DISTRICT RESPONSE:

The District disagrees. That requirement is in a subsection that includes other emission-related operating standards such as the allowable rotational torque for vapor and liquid adaptors. It is appropriate to include the operational standards with the equipment standards for spill boxes to avoid future confusion or oversights.

16. WORKSHOP COMMENT:

Section (d) specifies that "Each spill box shall be maintained free of standing gasoline and free of any debris." Is there any parameter that defines how much gasoline can be left in a spill box to be still considered "free of standing gasoline"?

DISTRICT RESPONSE:

Current District policy specifies that "free of standing gasoline" means that the depth of gasoline in the spill box is 1/16 of an inch or less.

17. WORKSHOP COMMENT:

Subsection (d)(3)(vii) applies to both the owner of a GDF and the driver of a delivery truck. The burden should not fall on the owner, but on the delivery driver. The owner has no way of knowing the condition of the delivery truck equipment until fueling has commenced.

DISTRICT RESPONSE:

The District generally holds the cargo tank delivery driver responsible for compliance with this requirement. However, this standard does provide the District with some flexibility to hold both the GDF owner and the delivery driver accountable if a particular company or driver repeatedly fails to connect properly, to disconnect properly, or has defective equipment, and the facility fails to ensure that these deficiencies are corrected.

18. WORKSHOP COMMENT:

The frequency of inspections in Table 1 is not consistent with current permit conditions. Will the District revise the existing permits to make them consistent with the new rules?

DISTRICT RESPONSE:

Yes. After the new rules are adopted, the District will revise the permit conditions to reflect any changes that result from new rule requirements. However, permit conditions that reflect agreements between the District and affected parties for increased inspections, maintenance and testing to resolve past non-compliance concerns will not be directly impacted by the rule changes.

19. WORKSHOP COMMENT:

Section (e) should require only a visual inspection to ensure that the poppeted dry breaks and adaptors are operable and sealing properly. It would be very costly for a facility to perform the tests required by the certification procedures.

DISTRICT RESPONSE:

It is not necessary for an operator to perform the tests required by the certification procedures to comply with this requirement. An owner or operator should visually verify that vapor poppets move freely and are properly sealed, and should confirm the absence of vapor leaks by applying a leak detection solution to sealing surfaces.

20. WORKSHOP COMMENT:

Section (e) requires a periodic inspection to check that there is no standing gasoline or debris in the spill boxes. It should be clarified that this requirement applies at all times.

DISTRICT RESPONSE:

Unless otherwise stated, all rule requirements apply at all times [see Section (d)]. This requirement does not need further clarification.

21. WORKSHOP COMMENT:

Section (e) requires an annual inspection of vapor recovery equipment at a facility. The District should provide facilities with a form that could be used when performing the inspections.

DISTRICT RESPONSE:

The District has compiled various forms to assist facilities with compliance inspections. These forms are available on the District's website at www.sdapcd.org/comply/vapor/VRforms.html or by calling the District's Compliance Division at (858) 650-4550.

22. WORKSHOP COMMENT:

Section (e) states that an annual inspection should be performed to ensure that "The Phase I vapor recovery system is properly installed and complies with the most recent applicable CARB certification procedures." This subsection should state that the vapor recovery system should be operated in accordance with the most recent applicable CARB Executive Orders.

DISTRICT RESPONSE:

The District agrees and has added the Executive Order reference. Proposed Section (e) now cites compliance with the most recent applicable CARB certification procedures and Executive Orders. The same revision has been made in Rule 61.4.1, Section (e).

23. WORKSHOP COMMENT:

Section (e) states that an annual inspection should be performed to ensure that each pressure/vacuum valve is "... properly installed and functions in accordance with the most recent applicable CARB Executive Order." Is there an actual test that is required to verify this requirement? If so, the District should include this test in Section (h) "Test Methods." The cost of conducting this test should be included in the Socioeconomic Impact Assessment.

DISTRICT RESPONSE:

Section (e) has been revised. It now states that during an annual inspection an owner or operator should ensure that the vent pipes are equipped with the required P/V valves and each valve is properly installed. The periodic compliance test required in Section (f) will verify whether such valves are functioning properly. District permits already require that P/V valves be tested annually using CARB test procedure TP-201.1E "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves." No additional costs will be incurred by affected facilities.

24. WORKSHOP COMMENT:

Section (e) requires components that are not in good condition or not operating properly be brought into compliance within seven calendar days of detection. What is the facility's compliance status during those seven days? What happens if a facility takes the component out of service while a replacement part is being ordered?

DISTRICT RESPONSE:

For a component that is not in good operating condition but not a defect as defined in Title 17 of the California Code of Regulations (CCR), the facility would be in compliance provided the component is repaired or replaced within seven days from the date the component malfunction was documented in the facility's inspection records. The facility would also be in compliance if it removed the component from service within the seven days. If, however, a District inspector finds a malfunctioning component that has not been recorded by the operator or, if recorded, has not been repaired or removed within seven days, the facility would not be in compliance and may receive a Notice of Violation.

25. WORKSHOP COMMENT:

Section (f) requires source tests be conducted "... in accordance with the most recent applicable CARB Executive Orders and CARB Certification Procedures." The reference to "CARB Certification Procedures" should be removed.

DISTRICT RESPONSE:

The District disagrees. Test procedures that are required to be used at GDF's are sometimes specified by CARB in the certification procedures and not always included in the applicable CARB Executive Orders.

26. WORKSHOP COMMENT:

Section (f) specifies that periodic compliance source tests may be conducted more frequently than once a year as determined necessary by the Air Pollution Control Officer...". Requiring more frequent testing would place an unnecessary burden on facilities. Any additional testing requirements should be handled through a settlement agreement and not through this rule.

DISTRICT RESPONSE:

The District disagrees. This requirement is consistent with other District rules. It enables the District to require additional testing at facilities that frequently violate requirements, or if required by CARB. If facilities disagree with the more frequent testing requirement imposed by the District they can appeal to the Air Pollution Control District Hearing Board.

27. WRITTEN COMMENT:

The District should include in the rule a list of tests that the operators are required to perform on an annual basis.

DISTRICT RESPONSE:

The type of tests to be performed will depend on the type of vapor recovery system a facility has, and may change in the future depending on the design of vapor recovery systems certified by CARB. The tests required will be identified in the Permit to Operate specific for each type of vapor recovery system installed.

28. WORKSHOP COMMENT:

Section (f) requires testers to complete the South Coast Air Quality Management District's (SCAQMD) Orientation class. Part of the class requires the SCAQMD staff to witness the testers during an actual test. An agreement should be made with the SCAQMD for local District staff to witness actual tests of those testers that only work locally.

DISTRICT RESPONSE:

Based on the information available to the District, all local testers are presently certified by SCAQMD and also conduct tests in that district. If there is a future need for a contractor to be observed while testing in San Diego County as suggested, the District will coordinate the test witnessing with SCAQMD.

29. WORKSHOP COMMENT:

Two subsections in Section (g) require that the name of the person performing the repairs be documented. This appears to be redundant. The District should consider removing one of the two requirements.

DISTRICT RESPONSE:

The rule no longer specifies the detailed information to be kept in the repair log. Instead, it requires a facility to maintain all records and information specified by the most recent applicable CARB Executive Order. For example, CARB Executive Order No. VR-102-E for the OPW EVR Phase I vapor recovery system requires an owner or operator to keep records of maintenance performed at the facility. The executive order specifies that the records shall include, at a minimum, the maintenance and repair date, the maintenance performed, and the company name, phone number and the name of the person who performed the maintenance or repair. Similar requirements are contained in CARB Executive Order VR-201-A for the Healy EVR Phase II vapor recovery system.

30. WORKSHOP COMMENT:

Section (g) requires maintaining receipts for parts used in a vapor recovery system repair. For proprietary reasons, the District should allow other types of documentation to be used instead.

DISTRICT RESPONSE:

Please see District Response to Comment No. 29.

31. WRITTEN COMMENT:

Section (g) requires work orders which include the name and signature of the person responsible for performing repairs to be included in the repair log. The District should clarify why this verification or level of detail in addition to repair logs is required. This provision puts a facility at risk of receiving a Notice of Violation if work orders are misplaced during the three years they are required to be maintained.

DISTRICT RESPONSE:

Please see District Response to Comment No. 29.

32. WORKSHOP COMMENT:

Section (g) requires source test records be kept. If all the information is provided in the test report, is an additional log needed to comply with this requirement? Who is required to maintain this information?

DISTRICT RESPONSE:

If all the required information is provided in the test report, no additional logs are necessary. The facility's owner/operator is required to maintain all records required by the rule.

33. WRITTEN COMMENT:

Section (g) requires thorough completion of the District's test forms. The District should provide additional guidance for filling out the test forms and this guidance should be included as part of each form.

DISTRICT RESPONSE:

The District has developed various forms available on-line to assist facilities. They can be found on the District's website at www.sdapcd.org/comply/vapor/VRforms.html. The test forms are designed to be completed by the tester. Should any tester require additional help, the District has an ongoing outreach program and will provide further assistance.

34. WORKSHOP COMMENT:

In Section (h), the District should clearly identify those test methods that are to be performed by a facility and those performed by CARB.

DISTRICT RESPONSE:

Subsections (h)(1) and (h)(2) specify the test methods that are unique to CARB to certify individual vapor recovery control systems. Subsections (h)(3), (4), and (5) specify methods that could be used by operators, contractors, the District, or CARB to evaluate installations for compliance with certain requirements. However, because CARB-specified test methods have been changed frequently, it was impractical to list all of them in the rules. The test methods to be performed by a facility are specific to the type of vapor recovery system used at the facility. A facility's Permit to Operate will contain the test methods that the facility is required to perform, specific to the vapor control systems installed at the facility.

35. WORKSHOP COMMENT:

Section (h) specifies a test procedure to determine the control efficiency when certifying a Phase I vapor recovery system. This test method should be removed since it is for the certification of the system and is not required to be performed by a facility.

DISTRICT RESPONSE:

The District disagrees. When a standard in a rule calls for a specific emission limit or control requirement (e.g., 98% control efficiency), EPA requires that a corresponding test method for determining compliance with this standard be included in the rule.

36. WORKSHOP COMMENT:

Section (h) specifies a test procedure to determine the Reid vapor pressure of gasoline. This test method should be removed since it is not required to be performed by a facility.

DISTRICT RESPONSE:

The cited test procedure is needed in the event there is a question about rule applicability for a gasoline blend whose vapor pressure is close to the threshold specified in the rule's definition of "gasoline."

PROPOSED NEW RULE 61.4.1

37. WORKSHOP COMMENT:

Section (b) provides an exception for the fueling of aircraft and/or intermediate aircraft refuelers, and the fueling of boats. What is the justification for giving this exemption?

DISTRICT RESPONSE:

This exemption was retained from current Rule 61.4 and has been in place for many years. The exemption was originally allowed because of concerns of safety and technical feasibility for vapor recovery during fueling of aircraft and boats. This exemption is not being reconsidered at this time and will be retained for clarity.

38. WORKSHOP COMMENT:

Section (c) should include a definition for Title 17 defects.

DISTRICT RESPONSE:

The District agrees. A definition for Title 17 Defects has been included in the rule. The definition has also been added to Rule 61.3.1.

39. WRITTEN COMMENT:

The definition for annual gasoline throughput in Section (c) should refer to the volume of gasoline dispensed during the year.

DISTRICT RESPONSE:

The District agrees and has revised the definition in Section (c) as suggested. The definition in proposed Rule 61.3.1 has also been revised.

40. WRITTEN COMMENT:

An annual inspection is defined in Section (c) as an inspection conducted once every 12 calendar months. During the workshop, staff confirmed that an annual inspection could be performed anytime within the twelfth month after the previous inspection. It does not need to be conducted exactly 365 days after the previous inspection. The definition should be changed to reflect the intent of the rule.

DISTRICT RESPONSE:

The District disagrees. The intent of the rule is to specify that an annual inspection must be conducted every twelve months not every 365 days. The definition means that the inspection can be performed anytime during the required month.

41. WRITTEN COMMENT:

Section (c) should be revised to specify that a faceplate is a donut-shaped assembly attached to the end of a vapor recovery nozzle.

DISTRICT RESPONSE:

The District agrees and has revised the definition in Section (c) as suggested.

42. WRITTEN COMMENT:

Section (c) should be clarified to define "In Station Diagnostics (ISD)" as equipment that monitors vapor recovery system parameters and components, and alerts the station operator when a failure mode is detected so that corrective action can be taken.

DISTRICT RESPONSE:

The District agrees and has revised the definition in Section (c) as suggested. In addition, the last phrase has been changed to "... when certain failure modes are detected so that corrective action can be taken." This change is to make clear that, as currently designed, ISD systems will not identify all possible failure modes.

43. WRITTEN COMMENT:

The definition of monthly gasoline throughput should be revised to indicate that it refers to the volume of gasoline dispensed during the month.

DISTRICT RESPONSE:

The District agrees and has revised the definition in Section (c) as suggested. The definition in proposed Rule 61.3.1 has also been revised.

44. WRITTEN COMMENT:

The definition of a Phase II Vapor Recovery System in Section (c) should be clarified to exclude a reference to the storage of gasoline. The Phase II vapor recovery system is intended to control emissions from vehicle refueling.

DISTRICT RESPONSE:

The District disagrees. The storage and dispensing of gasoline are inter-related because vapors from the dispensers are sent back to the underground storage tanks. The storage of vapors in the tanks, and the control of tank venting are integral to the overall emission control effectiveness of the Phase II system.

45. WRITTEN COMMENT:

The definition for vacuum-assist system in Section (c) should be revised to omit mentioning a compressor or a turbine as vacuum-producing devices. There are no vacuum assist systems that use a compressor or a turbine to produce a vacuum.

DISTRICT RESPONSE:

The District agrees and has revised the definition in Section (c) as suggested.

46. WORKSHOP COMMENT:

The District should remove either Subsection (d)(3)(i) or (d)(3)(ii) from the rule. If a facility installs a CARB certified system, it will automatically be in compliance with all the specific requirements of the Phase II vapor recovery system.

DISTRICT RESPONSE:

These subsections identify separate requirements. Subsection (d)(3)(i) provides a general requirement for a facility to install a CARB certified Phase II vapor recovery system that is also compatible with the Phase I system. This provision applies to existing stations with certified Phase II systems, to On-Board Refueling Vapor Recovery (ORVR) -compatible Phase II upgrades and to EVR Phase II upgrades in the future.

Subsection (d)(3)(ii) provides requirements for Phase II vapor recovery system control efficiency and emission factors specific to EVR certified Phase II systems. It will apply to facilities according to the compliance dates in Section (i).

47. WRITTEN COMMENT:

Subsection (d)(3)(ii) should be deleted. It is redundant with Subsection (d)(3)(i) because EVR Phase II vapor recovery systems need to meet the specified efficiency or mass emission factors in order to be certified by CARB. At this time, no EVR Phase II system has been certified. The Executive Orders for currently certified pre-EVR Phase II systems do not specify a mass emission factor. Consequently, pre-EVR systems would be excluded from installation at new and existing gasoline transfer and dispensing stations. Eliminating Subsection (d)(3)(ii) will allow the installation of pre-EVR systems until EVR Phase II systems become certified.

DISTRICT RESPONSE:

The District disagrees. The rule [in Section (i)] does not require an existing facility to comply with the requirements of Subsection (d)(3)(ii) until January 2009. New facilities have to comply with Subsection (d)(3)(ii) by the dates specified by CARB once an EVR Phase II vapor recovery system has been certified. In addition, Subsection (i)(3) specifies that this date may be revised to coincide with later applicable compliance dates specified by CARB. Until that time, the rule does not preclude the continued use of pre-EVR systems.

48. WORKSHOP COMMENT:

Section (d) should be revised to remove the reference to a specific liquid removal rate because such rate would depend on the type of vapor recovery system.

DISTRICT RESPONSE:

The District disagrees. The minimum liquid removal rate of at least five milliliters per gallon of gasoline dispensed is specified in CP-201. In addition, Section (d) allows for a different minimum removal rate as specified in the most recent applicable CARB certification procedure.

49. WORKSHOP COMMENT:

Section (d) requires a facility to post the telephone number to call if a dispensing nozzle is malfunctioning. What is this number?

DISTRICT RESPONSE:

The toll-free number for use by the public in reporting problems with vapor recovery systems is 1-800-952-5588. This is a CARB complaint hot line.

50. WORKSHOP COMMENT:

Section (d) specifies the installation of a CARB certified ISD system for facilities dispensing more than 600,000 gallons of gasoline in any calendar year. Because this dispensing rate may be changed by CARB, the District should remove this rate and refer to CARB requirements.

DISTRICT RESPONSE:

At this time, the CARB EVR program requires facilities with an annual throughput of 600,000 gallons of gasoline or more to install ISD. However, the District has added a provision to modify this requirement if CARB changes the throughput criteria in the future.

51. WORKSHOP COMMENT:

Section (d) requires the installation of a unihose dispenser. CARB has changed this requirement and the change should be reflected in the rule.

DISTRICT RESPONSE:

Section (d) in the proposed rule is consistent with the latest revisions adopted by CARB. However, it has been revised for clarity.

52. WORKSHOP COMMENT:

Table 1 in Section (e) specifies the frequency of inspections for facilities with different throughputs. What should a facility do if its throughput is close to one of the thresholds specified in the table? Would the facility be required to perform more frequent inspections?

DISTRICT RESPONSE:

If during the course of a calendar year, a facility determines that its throughput is clearly going to be over the threshold indicated in Table 1, the facility should begin to perform more frequent inspections as outlined in Table 1 for the higher throughput. For future reference, the facility operator should also note this determination and the change to more frequent inspection in the records maintained pursuant to Section (g). If in doubt, the facility operator can consult with the District before beginning to perform the inspections required for the higher throughput. For retail facilities with gasoline throughput at or above 750,000 gallons/year, the additional requirement is to conduct inspections on weekends and holidays, in addition to weekdays. For non-retail facilities with gasoline throughput at or above one million gallons/year, the additional requirement is to conduct daily inspections (excluding weekends and holidays) rather than weekly inspections.

53. WRITTEN COMMENT

Inspection frequencies specified in Table 1 are not consistent with current permit conditions. The District should revise either the rule or the permit conditions to be consistent with each other.

DISTRICT RESPONSE:

After Rule 61.4.1 is adopted, permit conditions will be updated to reflect any changes that result from rule requirements. However, permit conditions that reflect agreements between the District and affected parties for increased inspections, maintenance and testing to resolve past non-compliance concerns will not be directly impacted by the rule changes.

54. WORKSHOP COMMENT:

Section (e) requires a facility to check that the breakaway couplings have not separated. How would a facility comply with this requirement?

DISTRICT RESPONSE:

A facility should perform a visual check to ensure that the breakaway couplings have not partially or fully separated.

55. WORKSHOP COMMENT:

The District should clarify that the defects referred to in Subsection (e)(1)(iii) are those defined in the Title 17 of the CCR.

DISTRICT RESPONSE:

The District agrees and has revised Subsection (e)(1)(iii) as suggested.

56. WRITTEN COMMENT:

Section (e) should be revised to directly require draining of the vapor hose and recording the volume of gasoline removed instead of just conducting a weekly inspection.

DISTRICT RESPONSE:

The District agrees and has revised Section (e) as suggested.

57. WRITTEN COMMENT:

Subsections (e)(2) and (e)(3) require weekly and monthly inspections. The rule should require the use of the currently approved District forms.

DISTRICT RESPONSE:

It is not necessary to use District-approved forms as long as all the required parameters are recorded in the forms used. Some operators have objected to a requirement for District approved forms because it adds an unnecessary compliance liability. There are example forms on the District's website to assist facilities with their inspections. These forms are available at www.sdapcd.org/comply/vapor/VRforms.html or by calling the District at (858) 650-4550.

58. WORKSHOP COMMENT:

Section (e) requires monthly verification of dispensing flow rate for each nozzle and gasoline grade. If one or two of the nozzle flow rates are below the minimum requirement, do the records have to show the results of a retest after the pump fuel filters have been replaced?

DISTRICT RESPONSE:

Yes. The District expects that if a test result shows a nozzle dispensing rate is below the minimum or above the maximum, the facility operator will take the nozzle out of service, correct the defect, recheck the dispensing rate to ensure it complies, place the nozzle back in service and record the final result and the repair. If a District inspector finds that an operator has not taken a nozzle out of service when the dispensing flow rate is below or above the requirement, it will be considered a rule violation.

59. WORKSHOP COMMENT:

What is the approved method of measuring the dispensing flow rate?

DISTRICT RESPONSE:

The District does not require any specific test method to verify the dispensing flow rate. A facility operator can check a nozzle's maximum flow rates by timing how long it takes to dispense at least 1.0 gallon of gasoline into a vehicle or appropriate gasoline container. If the check shows the nozzle flow rate may be out of the approved range, the check should be repeated before recording the result.

60. WRITTEN COMMENT:

Section (f) requires an initial compliance source test to be conducted within 60 days of the installation date of a new or modified GDF. This provision implies that if only the Phase I system is modified, then testing of the Phase II system would also be required. It is excessive to require

testing an EVR Phase II system when the modification only affects the Phase I system. Therefore, the District should revise Section (f) to require Phase II testing only when the Phase II system is modified or affected.

DISTRICT RESPONSE:

It is not the District's intent to require facilities to test Phase II vapor recovery systems if only a Phase I change has occurred. However, in some cases it is possible that a replacement or modification of the Phase I system may affect the performance of the Phase II system and require at least some compliance tests for both systems (e.g., pressure decay/leak test, liquid blockage test). Section (f) allows for this flexibility. Therefore, proposed Section (f) was not revised as suggested.

61. WRITTEN COMMENT:

Section (f) requires periodic compliance source tests be conducted at least once every 12 months. This implies that testing has to be performed within 365 days of the previous test. The present permit conditions require testing within 45 days prior to the permit renewal date; which depending on the date the previous year's tests were conducted, could be more or less than once every 12 months. Therefore, to maintain consistency with the permit, the rule provision should require instead that testing be conducted annually. The permit condition can then specify the time frame within the year testing has to be performed.

DISTRICT RESPONSE:

Section (f) does not require that testing be performed exactly 365 days after the previous test. However, for clarity, Section (f) has been amended to require compliance tests be conducted once every calendar year and in accordance with the schedule specified by the District.

62. WORKSHOP COMMENT:

Section (f) should specify the 15-day reporting requirement as stated in current permit conditions.

DISTRICT RESPONSE:

The District agrees. A subsection has been added to the rule to reflect this comment. The same change has been made in Rule 61.3.1.

63. WORKSHOP COMMENT:

The compliance dates currently specified in the rule should be deleted since CARB is likely to change them.

DISTRICT RESPONSE:

The proposed rule addresses this issue. Section (i) states that compliance dates for ORVR compatible Phase II, EVR Phase II and ISD systems may be revised by the District to coincide with applicable later dates as they are specified by CARB.

64. WRITTEN COMMENT:

Section (i) identifies future compliance dates with Subsection (d)(3)(ii) for new facilities. The compliance dates are at the very end of the rule and could easily be overlooked. The District should specify the compliance dates in Subsection (d)(3)(ii).

DISTRICT RESPONSE:

Subsection (d)(3)(ii) references Section (i) "Compliance Schedule" for the applicable compliance dates.

GENERAL COMMENTS

65. WORKSHOP COMMENT:

What is the District's procedure and time schedule for presenting the rules to the Air Pollution Control Board?

DISTRICT RESPONSE:

Following the workshop, the District prepared this workshop report and revised the proposed rules, as appropriate, in response to workshop comments. The workshop report together with the revised proposed rules is being mailed to all workshop participants and other interested parties. The District will present the proposed rules to the District's Advisory Committee. The District intends to submit both proposed rules to the Air Pollution Control Board in early 2006.

66. WORKSHOP COMMENT:

The District should consider putting together a binder tool kit to assist operators in complying with these rules.

DISTRICT RESPONSE:

The District has been working on this issue with a group of industry representatives. The majority of them indicated that they would prefer to have their own instruction materials for their dealers and employees and not be bound to a specific document prepared by the District. However, the District will continue to work with this group to develop the elements of a binder tool kit that will help service station operators that need assistance.

67. WORKSHOP COMMENT:

The District should include in the binder tool kit a list of the most frequent compliance failures. For example, what constitutes a Notice of Violation, Notice to Comply, or a Notice to Repair, what are the consequences of these notices and what needs to be done. A defined schedule of lower fines for non-emission related violations or paperwork violations should be available. It should be clear (either in the rule or in the binder tool kit) what constitutes a rule violation.

DISTRICT RESPONSE:

The District is continuing to work with the industry group to develop the elements of a binder tool kit that will address these issues. It should be noted that in general, fines for non-emission related violations are significantly lower than those for emission related violations. However, penalty amount would also depend on a facility's previous history regarding compliance with vapor recovery rules.

68. WORKSHOP COMMENT:

If the station operator identifies a problem in the daily inspection form and after further investigation it turns out not to be a problem, will the initial identification of the problem be considered by a District inspector as a rule violation?

DISTRICT RESPONSE:

No. If the incident is documented and followed up, the initial record will not be considered a rule violation.

69. WORKSHOP COMMENT:

An operator who routinely goes beyond the rule requirements, for example, inspecting equipment twice a year instead of annually, should be given a credit in case a District inspector finds the facility in violation of the rule.

DISTRICT RESPONSE:

Every facility owner/operator is responsible for ensuring ongoing compliance with District rules. An owner/operator who inspects and tests the facility vapor recovery systems more often than the minimum requirement is less likely to be in violation of rule requirements. If a facility does receive a Notice of Violation, any additional proactive practices of the owner or operator will be considered during the violation settlement process.

70. WORKSHOP COMMENT:

An operator should not be fined for recording a problem during the daily inspection if a malfunctioning component is taken out of service and is repaired within a reasonable period of time.

DISTRICT RESPONSE:

The District agrees. The rule provides for this in Subsection (e)(5)(i).

71. WORKSHOP COMMENT:

CARB vapor recovery rules are constantly changing. Therefore, the District should review its rules with industry on an annual basis so the rules could be changed if necessary.

DISTRICT RESPONSE:

The District's vapor recovery rules implement the state vapor recovery program. The District is open to discuss any issues which may arise when the requirements of the state program are changed. However, due to the lengthy rule development process, it is impossible to amend rules on a yearly basis. The District will continue to review changes to the state program and whether the District rules can adequately reflect those changes. It will provide affected parties with advisories, permit changes, or informational workshops as appropriate. If the rules contradict substantive emissions control requirements in the future, appropriate amendments will be developed.

72. WORKSHOP COMMENT:

The District should establish, as CARB has, an office of Industry Ombudsperson. This should be done for all regulated industries so that person could be a truly third party to mediate between the District and the regulated community in times of dispute.

DISTRICT RESPONSE:

The District has a small business assistance person that operates independently of the District's Engineering and Compliance divisions. The Small Business Assistance Specialist serves as a resource for small businesses and larger businesses.

73. WORKSHOP COMMENT:

Will the District require facilities to submit permit applications and associated fees to update the permit conditions?

DISTRICT RESPONSE:

The modification of permit conditions that result from the proposed rule changes will be made by the District without requiring any additional applications or application fees. Facilities will receive advance notice of the planned permit changes and an opportunity to provide comments or to object.

74. WRITTEN COMMENT:

Both proposed rules should include a requirement that owners of record as specified in the permit, be notified of all citations issued at a site within 24 hours. This requirement should be placed in a new section titled "Citations" inserted between "Definitions" and "Equipment and Operation Requirements."

DISTRICT RESPONSE:

No other District rules impose such a requirement. Typically, an inspector issues a notice, naming the Permit to Operate owner, to the on-site manager or on-site employee if the manager is not available. It should be the responsibility of the employee, manager or operator to notify the owner of citations. The District has and will continue to provide copies of citations to facility owners upon request. The District also recognizes this is a unique problem and will be making changes to its procedures to ensure that owners of record are notified expeditiously when a Notice of Violation is issued to a facility.

75. WRITTEN COMMENT:

Presently, the District accepts testing in accordance with test method TP-96-1 (10" pressure decay) in lieu of the CARB test method TP-201.3 (2" static pressure performance test). Is TP-96-1 still an acceptable alternative test procedure to TP-201.3?

DISTRICT RESPONSE:

Yes, TP-96-1 is an acceptable procedure in lieu of CARB test method TP-201.3.

76. WRITTEN COMMENT:

The proposed rules require more frequent equipment inspections, maintenance and testing for balance systems than the CARB Executive Orders or maintenance manuals. Source test frequencies

should be consistent with those specified in CARB Executive Orders for the specific vapor recovery systems.

DISTRICT RESPONSE:

The District disagrees. The rules establish minimum inspection and maintenance schedules for all vapor recovery systems. The inspection, maintenance and testing frequencies specified by the proposed rules are the minimum needed and, in some cases, may be not fully adequate to assure continuous compliance. In general, annual source test requirements are consistent with those specified by CARB in the most recent Executive Orders. However, in some cases where specific facilities are not adequately maintained, more frequent testing may be necessary to improve compliance.

77. WRITTEN COMMENT:

The vapor recovery rules should be easy to understand and to comply with. The rules should be self-contained and spell out exactly what is required for compliance. Operators should not have to research Executive Orders, the Health and Safety Code, Approval Letters, the CCR or even other District rules in order to determine what they need to do to comply.

DISTRICT RESPONSE:

Due to the complex and evolving nature of the state vapor recovery program, it is impossible to include in a rule every requirement for every system. State law prohibits CARB and the districts from specifying the exact design of emission control systems. System designs vary, and will continue to do so under the state's enhanced vapor recovery program. Thus, specific operational parameters (vacuum level, A/L ratio, pressure switch settings, etc.) can vary from system to system. Further, CARB's requirements can change in the future. The rules have been crafted to reflect this needed flexibility. Information on requirements pertinent to specific vapor recovery systems is provided for each facility in its Permit to Operate.

09/07/05

MRL:NZ:ls

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED NEW RULE

Proposed new Rule 61.3.1 to read as follows:

RULE 61.3.1 TRANSFER OF GASOLINE INTO STATIONARY UNDERGROUND STORAGE TANKS (Adopted and Effective: *(date of adoption)*)

(a) APPLICABILITY

(1) Except as otherwise provided in Section (b), this rule is applicable to any gasoline dispensing facility where gasoline is the transferred of gasoline from any mobile transport tank into any stationary underground storage tank with a capacity of 250 gallons (946 liters) or more ~~at any gasoline transfer and dispensing facility.~~

(2) Transfer of gasoline from any mobile transport tank into any stationary underground storage tank that is located at a bulk plant or bulk terminal and is subject to the requirements of Rule 61.1 shall not be subject to this rule.

(b) EXEMPTIONS

The provisions of this rule shall not apply to the following:

(1) Transfer of gasoline into or from any stationary underground storage tank or any mobile transport tank used exclusively for fueling agricultural wind machines.

(2) Transfer of gasoline from any mobile transport tank into any stationary underground storage tank when conducted by the San Diego County Department of Weights and Measures.

(3) Transfer of gasoline from any mobile transport tank into any stationary underground storage tank with a capacity of 550 gallons (2,080 liters) or less and located at any non-retail gasoline ~~transfer and~~ dispensing facility.

(c) DEFINITIONS

Notwithstanding the definitions provided in Rule 61.0, for the purposes of this rule the following definitions shall apply:

(1) **“Adaptor or Coupler”** means a fitting on a riser pipe that provides a leak-proof seal between the riser pipe and a delivery elbow during the gasoline delivery.

(2) **“Annual Gasoline Throughput”** means the total ~~amount~~ volume of gasoline dispensed during any calendar year at a gasoline ~~transfer and~~ dispensing facility.

(3) **“Annual Inspection”** means an inspection conducted once every 12 calendar months.

(4) **“Bulk Plant”** means any facility at which gasoline is received from mobile transport tanks for storage and is transferred into mobile transport tanks.

(5) **“Bulk Terminal”** means any primary distributing facility for delivering gasoline to bulk plants, service stations and other distribution points; and where delivery to the facility is by means other than by truck.

(6) **“CARB”** means California Air Resources Board.

(7) **“CARB Certification Procedure (CP)”** means a CARB issued document that provides performance standards and specifications for vapor recovery systems, and identifies test procedures for determining compliance with such standards and specifications.

(8) **“CARB Certified Phase I System or Equipment”** means a Phase I vapor recovery system, equipment or any component that has been certified by CARB pursuant to Section 41954 of the California Health and Safety Code.

(9) **“CARB Executive Order”** means a document issued by the Executive Officer of the California Air Resources Board that specifies the requirements for specific vapor control equipment and the procedures used in installing, maintaining, inspecting, or testing vapor recovery systems.

(10) **“CCR”** means California Code of Regulations.

(11) **“Cargo Tank”** means any container, including associated pipes and fittings that is used for the transportation of gasoline on any highway and is required to be certified in accordance with Section 41962 of the California Health and Safety Code.

(12) **“Contractor/Installer”** means a person engaged in the installation, modification, and/or repair of a new or existing vapor recovery system and/or its components at a gasoline dispensing facility. This definition does not include the owner or operator of a gasoline dispensing facility or an employee of such owner or operator.

(132) **“Delivery Elbow”** means a quick connect/disconnect type coupler that joins a hose from a cargo tank to a facility’s storage tank riser pipe adaptor or coupler.

(13) **“Existing Phase I Gasoline Transfer and Dispensing Facility”** means a facility ~~in San Diego County whose construction was completed before July 1, 2001, and which is subject to the requirements of this rule.~~

(14) **“Gasoline”** means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 4.0 pounds per square inch or greater and meeting the requirements of Title 13 of the CCR, Section 2250 et seq.

(15) **“Gasoline Transfer and Dispensing Facility (GDF)”** means a stationary facility, consisting of one or more storage tanks and associated equipment, that receives, stores, and/or dispenses gasoline.

(16) **“Gasoline Vapor Control Efficiency (Volumetric Efficiency)”** means a control efficiency of the Phase I vapor recovery system (E) expressed as

$$E = (V_t - V_{vsi}) / (V_t) \times 100\%, \text{ where:}$$

V_t = total volume of gasoline vapors returned to the cargo tank;

V_{vsi} = total volume of gasoline vapors discharged to the atmosphere.

(17) **“Gasoline Vapors”** means organic compounds in vapor form displaced during gasoline transfer and dispensing operations, including any entrained liquid gasoline.

(18) **“Leak Detection Solution”** means any solution containing soap, detergent or similar materials that promote formation of bubbles at the site of any escaping vapors.

(19) **“Liquid Leak”** means any visible liquid leak of gasoline at a rate in excess of three drops per minute.

(20) **“Liquid Leak for Cargo Tanks”** means a liquid gasoline spill from gasoline delivery or vapor return lines that has a volume greater than 30 milliliters during any single disconnect operation.

~~a liquid leak from a gasoline line that is more than two milliliters liquid drainage per disconnect from a top loading operation, or more than ten milliliters liquid drainage per disconnect from a bottom loading operation. Such liquid drainage for disconnect operations shall be determined by computing the average drainage from three consecutive disconnects at any permit unit.~~

~~Alternatively, a liquid leak for cargo tanks means a liquid leak from gasoline liquid or vapor lines during any single disconnect operation that is more than six milliliters liquid drainage per disconnect from a top loading operation, or more than 30 milliliters liquid drainage per disconnect from a bottom loading operation.~~

(21) **“Major Modification”** means a modification of the Phase I system that involves the addition, replacement, or removal of a stationary underground storage tank, or modification that causes the tank top to be unburied.

(22) **“Mobile Transport Tank”** means any cargo tank or trailer, railroad tank car, or tanker used to transport gasoline.

(23) **“Monthly Gasoline Throughput”** means the total ~~amount~~ volume of gasoline dispensed during any calendar month at a gasoline ~~transfer and~~ dispensing facility.

(24) **“New Phase I Gasoline Transfer and Dispensing Facility”** means a facility in San Diego County whose construction or major modification was completed on or after July 1, 2001, and which is subject to the requirements of this rule.

(24~~5~~) **“Over-fill Prevention Device”** means a device designed to stop the delivery of gasoline to a storage tank to prevent the over-filling of the tank and potential spillage.

(256) **“Phase I Vapor Recovery System”** means a gasoline vapor recovery system or equipment that recovers the vapors generated during the transfer of gasoline from mobile transport tanks into stationary underground storage tanks.

(267) **“Phase II Vapor Recovery System”** means a gasoline vapor recovery system or equipment that recovers the vapors generated during the refueling of motor vehicles and from the storage of gasoline at the gasoline dispensing and transfer facility.

(278) **“Popetted Dry Break”** means a spring-loaded valve that prevents vapor from escaping through the vapor recovery riser pipe of a storage tank.

(289) **“Pressure/Vacuum Valve”** means a valve that is installed on the vent pipes of the gasoline storage tanks to relieve pressure or vacuum-build-up at preset values of pressure and vacuum.

(2930) **“Reid Vapor Pressure”** means an absolute vapor pressure of gasoline or other volatile petroleum products at 100° F (37.8° C).

(3034) **“Retail Gasoline Transfer and Dispensing Facility”** means any gasoline transfer and dispensing facility subject to the payment of California sales tax for the sale of gasoline.

(3132) **“Riser Pipe”** means a pipe mounted on top of a stationary underground storage tank.

(323) **“Safety Features”** means all the features outlined in the applicable test method to ensure proper and safe testing, including but not limited to, pressure/vacuum valves, safety cones, ladders, and grounding equipment.

(334) **“Spill Box”** means an enclosed container around a Phase I gasoline vapor or liquid adaptor or both that is designed to collect gasoline spillage resulting from disconnecting the delivery hoses from the gasoline vapor or liquid adaptors.

(345) **“Stationary Underground Storage Tank”** means any tank, reservoir or other underground container that is used to store, but not transport, gasoline.

(356) **“Submerged Drop-Tube”** means any drop-tube which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. ~~Submerged drop tube, when applied to a tank which is loaded from the side, means any drop-tube which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.~~

(36) **“Title 17 Defect”** means a defect substantially impairing the effectiveness of vapor recovery systems as specified in Title 17 of the CCR or in the applicable CARB Executive Order.

(37) **“Vapor Leak”** means a gasoline vapor concentration equal to 10,000 parts per million by volume (ppmv) or more as measured on a methane calibrated gas detector, at a

distance of one centimeter from the source and in accordance with the US Environmental Protection Agency Test Method 21.

(38) **“Vapor Tight”** means an absence of a vapor leak or an absence of soap bubbles as indicated by a leak detection solution, as applicable, for a component without an allowable leak rate.

(39) **“Vapor Return Hose”** means a part of the Phase I vapor recovery system which carries gasoline vapors from the stationary underground storage tank into the unloading cargo tank.

(40) **“Vent Pipe”** means any pipe which is designed to convey an air/gasoline vapor mixture from the vapor recovery system to the atmosphere.

(d) EQUIPMENT AND OPERATION REQUIREMENTS

(1) A person shall not supply, offer for sale, sell, install or allow the installation of any Phase I vapor recovery system or any of its components, unless the system and components are CARB certified. All components shall be certified for use with the CARB certified Phase I vapor recovery system installed and shall be clearly identified by a permanent identification showing the manufacturer’s name, model number, and a unique serial number unless the component is specifically exempt from this identification requirement by CARB.

(2) On and after (six months from the date of the rule adoption), and prior to the installation, modification or repair of any Phase I vapor recovery system or component, a contractor/installer shall have successfully completed a manufacturer’s training program applicable to such system and any relevant training program required by CARB or the Air Pollution Control Officer. A copy of current documents demonstrating that such programs have been successfully completed shall be made available to the District upon request.

(3) A person shall not operate any gasoline transfer and dispensing facility unless all applicable portions of the following requirements are met by the dates specified in Section (i) of this rule:

(i 1) Each stationary underground storage tank is equipped with a CARB certified permanent submerged drop-tube.

(ii 2) Each stationary underground storage tank is equipped with a CARB certified Phase I vapor recovery system that has a minimum control efficiency of 98.0% by volume and a mass emission factor for systems with vapor processors not exceeding 0.15 pounds of gasoline vapors per 1,000 gallons of gasoline dispensed.

(iii 3) The Phase I vapor recovery system and associated components are installed, maintained, and operated free of Title 17 defects and in accordance with the most recent applicable CARB certification procedures, and CARB Executive Orders, and a manufacturer's Installation, Operation and Maintenance manual. ~~All components of the CARB-certified Phase I vapor recovery system are clearly identified by a permanent identification showing the manufacturer's name, model number, and a unique serial number unless the component is specifically exempt from this requirements by CARB.~~

(iv 4) When required by the applicable CARB Executive Order, the Phase I vapor recovery system is equipped with:

(A i) CARB certified gasoline vapor and liquid anti-rotational couplers or rotatable adaptors. Each gasoline vapor and liquid rotatable adaptor shall have a static rotational torque not to exceed 108 pound-inch (9 pound-foot); and

(B ii) CARB certified poppeted dry breaks or other CARB certified poppeted fittings on the vapor return coupler that are vapor tight when closed; and

(C iii) CARB certified pressure/vacuum (P/V) valve(s) on the stationary underground storage tank vent pipe(s). The tank vent pipes shall be manifolded when required by the most recent applicable CARB Executive Order; and

(D iv) CARB certified spill boxes each having an integral drain valve or other devices that are certified by CARB to return spilled gasoline to the stationary underground storage tank. Each spill box shall be maintained free of standing gasoline and free of any debris that may interfere with the seating of the drain valve. Spill boxes used exclusively for Phase I vapor connections shall not have drain valves.

(v 5) The Phase I vapor recovery equipment and associated components except for components with an allowable leak rate as specified by the most recent applicable CARB Executive Order and Certification Procedure, are maintained free of liquid leaks and are vapor tight. Components with an allowable leak rate shall operate within such rate.

(vi-6) During a gasoline transfer from a cargo tank to any stationary underground storage tank each liquid gasoline delivery hose is connected or disconnected only while the associated vapor return hose is connected to the cargo tank and the storage tank vapor adaptor and is functional. This requirement shall apply to the owner/operator of the gasoline transfer and dispensing facility and to any person conducting the gasoline transfer.

(vii 7) During a gasoline transfer from a cargo tank to any stationary underground storage tank, there are no liquid leaks from the Phase I gasoline vapor return hose and liquid gasoline delivery hose. During the disconnection of either the vapor return hose or liquid gasoline delivery hose, there are no liquid leaks as defined in Subsection (c)(20) of this rule. This requirement shall apply to the owner/operator

of the gasoline ~~transfer and~~ dispensing facility and to any person conducting the gasoline transfer.

(e) INSPECTION AND MAINTENANCE PROGRAM

On and after (six months from the date of adoption), ~~A~~ an owner/operator of any gasoline ~~transfer and~~ dispensing facility shall implement an inspection and maintenance program sufficient to ensure the proper operation of the Phase I vapor recovery system. The program shall include, at a minimum, the applicable portions of the following:

(1) A periodic inspection to be conducted with a frequency as specified in Table 1 to ensure proper operating conditions of all components of the Phase I vapor recovery system, including, but not limited to:

(i) All stationary underground storage tank fill caps and gaskets, to verify the components are in place and in good condition; and

(ii) All stationary underground storage tank poppeted dry breaks, gasoline vapor and liquid adaptors, to verify they are operable and sealing properly; and

(iii) All stationary underground storage tank spill boxes, to verify there is no standing gasoline or debris in the spill boxes and that drain valves are seating properly.

Table 1

| Type of Gasoline Dispensing Facility | Frequency of Inspection |
|---|--------------------------------|
| Retail | Once per calendar week |
| Non-Retail (with Phase I and II) | Once per calendar week |
| Non-Retail (with Phase I only) | Once per calendar month |

(2) An annual inspection to ensure compliance with all applicable District rules and regulations, and all permit conditions. The inspection shall verify that:

(i) The District permit is current and posted;

(ii) The facility complies with all permit conditions;

(iii) The Phase I vapor recovery system is properly installed and complies with the most recent applicable CARB certification procedures and CARB Executive Orders;

(iv) All stationary underground storage tanks have gasoline submerged drop-tubes installed, not damaged, and the distance between the highest level of each discharge opening of the submerged drop-tube and the bottom of the associated storage tank does not exceed six inches; and

(v) The vent pipes are equipped with the required pressure/vacuum valves and each such valve is properly installed ~~and functions in accordance with the most recent applicable CARB Executive Order.~~

In addition, the inspection of components specified in Subsections (e)(2)(iv) and (e)(2)(v) above shall be conducted each time the specified components are removed or replaced for any purpose.

(3) Maintenance Procedures

(i) Except as provided in Subsection (e)(3)(ii) below, any component, device or system identified and recorded by the owner/operator as not being in good condition or not operating properly during the inspection specified above shall be repaired, replaced, or adjusted within seven calendar days of detection in a manner that will bring the facility into compliance with this rule and the most recent applicable CARB Executive Orders. Upon request and for good cause, the Air Pollution Control Officer may allow an additional seven calendar days for the repairs, replacements, or adjustments specified above to be made. ~~;~~ ~~and~~

(ii) Any component, device or system having a Title 17 defect ~~as defined in Title 17 of the CCR or identified in the most recent applicable CARB Executive Orders~~ shall not be used or made available for use.

(4) Any additional inspection and alternative maintenance procedures that may be required by the most recent applicable CARB Executive Orders and the Installation and Maintenance Manuals for the Phase I vapor recovery system as approved by CARB.

(f) **SOURCE TESTING**

(1) Within 60 calendar days of the installation date of a new or modified gasoline ~~transfer and~~ dispensing facility, an initial compliance source test shall be conducted as required by the applicable ~~District~~ Authority to Construct and the most recent applicable CARB Executive Orders.

(2) Periodic compliance source tests shall be conducted at least once every calendar year ~~12 months~~ and in accordance with the schedule specified by the Air Pollution Control Officer. ~~or m~~ More frequently tests may be required as determined necessary by the Air Pollution Control Officer to ensure compliance with this rule. ~~The source tests shall be conducted in accordance with the most recent applicable CARB Executive Orders and CARB Certification Procedures.~~

(3) Any person conducting the tests specified in Subsections (f)(1) ~~and~~ or (f)(2) above shall have completed the South Coast Air Quality Management District's orientation class for

testing and any subsequently required refresher classes or alternative training approved by the Air Pollution Control Officer, and any training or certifications required by CARB or a system's manufacturer. Such person shall have available to the District, at the time of the test, the following:

(i) A copy of a current certificate from the South Coast Air Quality Management District, CARB, system manufacturer and/or from other approved training; and

(ii) Records of equipment calibrations performed as required by the applicable test procedures.

(4) Any person conducting the tests specified in Subsection (f)(1) or (f)(2) shall conduct such tests in accordance with the procedures specified in the Authority to Construct, Permit to Operate, and the most recent applicable CARB Executive Orders and Certification Procedures.

(5) Any person conducting the tests specified in Subsection (f)(1) or (f)(2) shall, within 15 calendar days of the completion of such test, and within 15 days of the completion of a retest in the event of a failed or invalid test, provide the owner or operator of the gasoline dispensing facility a complete and accurate test report containing all the information specified in Subsection (g)(3) of this rule.

(g) RECORDKEEPING

An owner/operator of any gasoline ~~transfer and~~ dispensing facility shall maintain at a minimum the following information as applicable:

(1) Records of inspections performed as required by Section (e) of this rule.

(2) Records of all malfunctioning components, including the date(s) such components were identified and ~~or~~ repaired or replaced, and any other records and information required by the most recent applicable CARB Executive Orders. ~~during the inspection and maintenance.~~

(3) ~~Repair logs which include at a minimum:~~

(i) ~~Date of repair;~~

(ii) ~~The name of the person(s) who performed the repair, and if applicable, the name, address, and phone number of the person's employer;~~

(iii) ~~Description of repair and maintenance performed;~~

- (iv) Identification of each component that was repaired, maintained, or removed;
- (v) Identification of each component that was installed as replacement, if applicable; and
- (vi) Receipts for parts used in the repair and, if applicable, work orders which include the name and signature of the person responsible for performing the repairs.

(3.4) Records of initial and periodic compliance source tests, which include at a minimum:

- (i) Date and time of each test;
- (ii) Name, affiliation, address, and phone number of the person(s) who performed the test;
- (iii) For a retest following a failed initial or periodic compliance source test, description of repairs performed; and
- (iv) Copies of all test reports, including test equipment calibration date(s), test results and failed test data, in District-approved format; and, for a test that fails, a description of the reasons for the test failure.

(4.5) Monthly gasoline throughput records.

All information specified in Subsections (g)(1) through (g) (4) ~~(5)~~ above, shall be maintained on site for a period of at least three years. The most recent applicable CARB Executive Orders, and the Installation and Maintenance Manuals for the Phase I vapor recovery system approved by CARB, shall be maintained on site at all times. All information shall be made available to the District upon request. Records for gasoline ~~transfer and~~ dispensing facilities that are unmanned may be kept at an alternative location approved in writing by the Air Pollution Control Officer. ~~Receipts for parts and work orders for repairs as specified in Subsection (g)(3)(vi) above need not be maintained on site. Such receipts and work orders shall be provided within 14 calendar days of the District's request.~~

(h) TEST METHODS

(1) The control efficiency of Phase I vapor recovery systems shall be determined in accordance with the CARB Test Method TP-201.1 – Volumetric Efficiency of Phase I Vapor Recovery Systems, or the most recent applicable test method approved by CARB.

(2) The mass emission factor for systems with processors shall be determined in accordance with the CARB Test Method TP-201.1A – Emission Factor for Phase I Systems at Dispensing Facilities or the most recent applicable test method approved by CARB.

(3) The static torque of gasoline vapor recovery and liquid adaptors shall be determined in accordance with TP-201.1B – Static Torque of Rotatable Phase I Adaptors or the most recent applicable test method approved by CARB.

(4) Component leak rates, pursuant to Subsection (d)(25)(v) of this rule, shall be determined in accordance with the most recent applicable test methods, test procedures, and certification procedures approved by CARB.

(5) The Reid Vapor Pressure shall be determined in accordance with the American Society for Testing and Materials (ASTM) Test Method D323-99a, or its most current version.

(i) **COMPLIANCE SCHEDULE (RESERVED)**

~~(1) Existing gasoline transfer and dispensing facilities shall comply with the following increments of progress:~~

~~(i) By six months after the date of adoption, comply with all applicable requirements of the Inspection and Maintenance Program and Recordkeeping specified in Sections (e) and (g) of this rule.~~

~~(ii) By April 1, 2005, be in compliance with all requirements of Section (d) of this rule.~~

~~(2) Until April 1, 2005, all existing gasoline transfer and dispensing facilities that are not in compliance with this rule shall comply with all applicable requirements of Rule 61.3.~~

~~(3) Any new gasoline transfer and dispensing facility shall comply with all provisions of this rule upon startup.~~

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED NEW RULE

Proposed new Rule 61.4.1 to read as follows:

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

(Adopted and Effective: *(date of adoption)*)

(a) APPLICABILITY

Except as otherwise provided in Section (b), ~~†~~ this rule is applicable to the following gasoline dispensing facilities where gasoline is transferred of gasoline from stationary underground storage tanks into any motor vehicle fuel tank with a capacity greater than 5 gallons (18.9 liters) ~~at the following gasoline transfer and dispensing facilities:~~

- (1) Any retail gasoline ~~transfer and~~ dispensing facility where gasoline is dispensed into motor vehicle fuel tanks from any stationary underground storage tank with a capacity of 250 gallons (946 liters) or more, and
- (2) Any non-retail gasoline ~~transfer and~~ dispensing facility where:
 - (i) Gasoline is dispensed into motor vehicle fuel tanks from any stationary underground storage tank with a capacity greater than 550 gallons (2,080 liters), and
 - (ii) More than 2,000 gallons (7,570 liters) of gasoline are transferred into motor vehicle tanks in any calendar month on the parcel of land where the gasoline ~~transfer and~~ dispensing facility is located.

(b) EXEMPTIONS

The provisions of this rule shall not apply to the following:

- (1) Transfer of gasoline from any intermediate refueler into a motor vehicle fuel tank.
- (2) Transfer of gasoline into any vehicles performing emergency work necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger or damage.
- (3) Transfer of gasoline from any stationary underground storage tank that is used primarily in the fueling of aircraft and/or intermediate aircraft refuelers or boats.
- (4) Transfer of gasoline from any stationary underground storage tank at any non-retail gasoline ~~transfer and~~ dispensing facility located on a parcel of land on which not more than 2,000 gallons (7,570 liters) are transferred into motor vehicle fuel tanks during any calendar month. Any person claiming this exemption shall maintain gasoline throughput

records for each calendar month. These records shall be maintained onsite for at least three years and be made available to the District upon request.

(c) **DEFINITIONS**

Notwithstanding the definitions provided in Rule 61.0, for the purpose of this rule the following definitions shall apply:

- (1) **“Annual Gasoline Throughput”** means the total ~~amount~~ volume of gasoline dispensed during any calendar year at a gasoline ~~transfer and~~ dispensing facility.
- (2) **“Annual Inspection”** means an inspection conducted once every 12 calendar months.
- (3) **“Balance System”** means a CARB certified Phase II vapor recovery system that operates on the principle of vapor displacement.
- (4) **“Bootless Nozzle”** means a type of vapor recovery nozzle that does not have a boot over a length of the nozzle spout.
- (5) **“Breakaway Coupling”** means a component attached to a liquid/vapor coaxial hose and which allows the safe separation of the hose from the gasoline dispenser or the hose from the dispensing nozzle in the event of a forced removal such as a “driveoff.”
- (6) **“CARB”** means California Air Resources Board.
- (7) **“CARB Certification Procedure (CP)”** means a CARB issued document that provides performance standards and specifications for vapor recovery systems, and identifies test procedures for determining compliance with such standards and specifications.
- (8) **“CARB Certified Phase II System or Equipment”** means a Phase II vapor recovery system, equipment or any component that has been certified by CARB pursuant to Section 41954 of the California Health and Safety Code.
- (9) **“CARB Executive Order”** means a document issued by the Executive Officer of the California Air Resources Board that specifies the requirements for specific vapor control equipment and the procedures used in installing, maintaining, inspecting, or testing vapor recovery systems.
- (10) **“CCR”** means California Code of Regulations.
- (11) **“Coaxial Hose”** means a hose that contains two passages, one within the other. One of the passages dispenses liquid gasoline into a motor vehicle fuel tank while the other passage carries gasoline vapors from the motor vehicle fuel tank into the stationary underground storage tank.

(12) **“Contractor/Installer”** means a person engaged in the installation, modification, and/or repair of a new or existing vapor recovery system and/or its components at a gasoline dispensing facility. This definition does not include the owner or operator of a gasoline dispensing facility or an employee of such owner or operator.

(132) **“EVR”** means Enhanced Vapor Recovery.

(143) **“Existing Phase II Gasoline Transfer and Dispensing Facility”** means a facility in San Diego County whose construction was completed before April 1, 2005 (~~EVR Phase II effective date~~), and which is subject to the requirements of this rule.

(154) **“Faceplate”** means a soft donut-shaped assembly ~~type piece~~ attached to the end of a ~~boet~~ vapor recovery nozzle so that a tight seal with a motor vehicle fill pipe can be achieved while gasoline is being dispensed.

(165) **“Gasoline”** means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 4.0 pounds per square inch or greater and meeting the requirements of Title 13 of the CCR, Section 2250 et seq.

(176) **“Gasoline Dispenser (Dispenser)”** means a gasoline dispensing unit used for housing the aboveground gasoline and vapor recovery piping, gasoline meters, and hangers for the gasoline-dispensing nozzles when they are not in use.

(187) **“Gasoline Transfer and Dispensing Facility (GDF)”** means a stationary facility, consisting of one or more storage tanks and associated equipment, that receives, stores, and/or dispenses gasoline.

(19) **“Gasoline Vapor Control Efficiency (Volumetric Efficiency)”** means a control efficiency of the Phase II vapor recovery system (E) expressed as

$$E = (V_t - V_{vsi}) / (V_t) \times 100\%, \text{ where:}$$

V_t = total volume of gasoline vapors returned to the cargo tank;

V_{vsi} = total volume of gasoline vapors discharged to the atmosphere.

(2048) **“Gasoline Vapors”** means organic compounds in vapor form displaced during gasoline transfer and dispensing operations, including any entrained liquid gasoline.

(2149) **“Hold-Open Latch”** means a device which is an integral part of the dispensing nozzle and is manufactured specifically for the purpose of dispensing gasoline without requiring the user’s physical contact with the nozzle during fueling operations.

(229) **“In Station Diagnostics (ISD)”** means equipment that provides monitoring of ~~critical emission related~~ vapor recovery system parameters and components, and alerts the station operator when certain a failure modes are is detected so that corrective action can be taken.

(231) **“Intermediate Refueler”** means a mobile transport tank used primarily in the fueling of vehicle, boat or aircraft fuel tanks.

(242) **“Leak Detection Solution”** means any solution containing soap, detergent or similar materials that promote formation of bubbles at the site of any escaping vapors.

(253) **“Liquid Leak”** means any visible liquid leak of gasoline at a rate in excess of three drops per minute.

(264) **“Major Modification”** means a modification of a Phase II vapor recovery system that includes the addition, replacement, or removal of 50 percent or more of the buried vapor piping, or the replacement of all existing dispensers. Replacement of a dispenser is not a major modification when such replacement is due to damage to a dispenser. Phase II system upgrades exclusively to make a system ORVR compatible do not constitute a major modification.

(275) **“Mobile Transport Tank”** means any cargo tank or trailer, railroad tank car, or tanker used to transport gasoline.

(286) **“Monthly Gasoline Throughput”** means the total ~~amount~~ volume of gasoline dispensed during any calendar month at a gasoline ~~transfer and~~ dispensing facility.

(297) **“New Phase II Gasoline ~~Transfer and~~ Dispensing Facility”** means a facility in San Diego County whose construction or major modification was completed on or after April 1, 2005 (~~EVR Phase II effective date~~), and which is subject to the requirements of this rule.

(3028) **“Nozzle Boot”** means a flexible device around the spout of some vapor recovery nozzles, utilized to capture the vapor displaced from a motor vehicle.

(3129) **“On-Board Refueling Vapor Recovery (ORVR)”** means a motor vehicle-based vapor recovery system required by Title 13 of the CCR, Section 1978, or 40 Code of Federal Regulations Part 86.

(320) **“Parcel of Land”** means a contiguous quantity of land in the possession of or owned by, or recorded as the property of the same person.

(331) **“Phase II Vapor Recovery System”** means a gasoline vapor recovery system or equipment that recovers the vapors generated during the refueling of motor vehicles and from the storage of gasoline at the gasoline dispensing ~~and transfer~~ facility.

(342) **“Reid Vapor Pressure”** means an absolute vapor pressure of gasoline or other volatile petroleum products at 100° F (37.8° C).

(353) **“Retail Gasoline Transfer and Dispensing Facility”** means any gasoline transfer and dispensing facility subject to the payment of California sales tax for the sale of gasoline.

(364) **“Safety Features”** means all the features outlined in the applicable test method to ensure proper and safe testing, including but not limited to, pressure/vacuum valves, safety cones, ladders, and grounding equipment.

(375) **“Stationary Underground Storage Tank”** means any tank, reservoir or other underground container that is used to store, but not transport, gasoline.

(386) **“Summer Fuel”** means gasoline that is required to comply with the requirements of Title 13 of the CCR, Section 2262.4.

(39) **“Title 17 Defect”** means a defect substantially impairing the effectiveness of vapor recovery systems as specified in Title 17 of the CCR or in the applicable CARB Executive Order.

(4037) **“Topping Off ”** means an attempt of a person filling up a motor vehicle to dispense gasoline after the dispensing nozzle primary shut-off mechanism has engaged. The filling of a motor vehicle tank that, because of the configuration of the fill pipe, causes premature activation of the primary shutoff mechanism shall not be considered topping off.

(4138) **“Vacuum-Assist System”** means a CARB certified Phase II vapor recovery system utilizing a vacuum-producing device such as a compressor or a turbine to create a vacuum during gasoline dispensing to capture or assist in the capture of gasoline vapors.

(4239) **“Vapor Guard”** means a device that is installed at the base of a bootless vapor recovery nozzle spout to enhance the effectiveness of vapor collection.

(430) **“Vapor Leak”** means a gasoline vapor concentration equal to 10,000 parts per million by volume (ppmv) or more as measured on a methane calibrated gas detector, at a distance of one centimeter from the source and in accordance with the U.S. Environmental Protection Agency Test Method 21.

(441) **“Vapor Recovery Nozzle (Nozzle)”** means a nozzle that is capable of collecting gasoline vapors while it dispenses gasoline.

(452) **“Vapor Tight”** means an absence of a vapor leak or an absence of soap bubbles as indicated by a leak detection solution, as applicable, for a component without an allowable leak rate.

(463) “**Winter Fuel**” means gasoline that is not required to comply with the regulations that are applicable to summer fuel.

(d) **EQUIPMENT AND OPERATION REQUIREMENTS**

(1) A person shall not supply, offer for sale, sell, install or allow the installation of any Phase II vapor recovery system or any of its components, unless the system and components are CARB certified. All components shall be certified for use with the CARB certified Phase II vapor recovery system installed and shall be clearly identified by a permanent identification showing the manufacturer’s name, model number, and a unique serial number unless the component is specifically exempt from this identification requirement by CARB.

(2) On and after (six months from the date of the rule adoption), and prior to the installation, modification or repair of any Phase II vapor recovery system or component, a contractor/installer shall have successfully completed a manufacturer’s training program applicable to such system and any relevant training program required by CARB or the Air Pollution Control Officer. A copy of current documents demonstrating that such programs have been successfully completed shall be made available to the District upon request.

(3) A person shall not operate any gasoline ~~transfer and~~ dispensing facility unless all of the applicable portions of the following conditions are met:

(i) ~~1~~ A CARB certified Phase II vapor recovery system is installed and is compatible with the CARB certified Phase I system installed at the facility.

(ii) ~~2~~ By the applicable dates specified in Subsections (i)(1)(iv) and (i)(3) of this rule, the Phase II vapor recovery system has:

(A) ~~i~~ For summer fuel, a gasoline vapor control efficiency of at least 95% by weight and a mass emission factor not exceeding 0.38 pounds of gasoline vapors per 1,000 gallons of gasoline dispensed; and

(B) ~~ii~~ For winter fuel, a gasoline vapor control efficiency of at least 95% by weight or a mass emission factor not exceeding 0.38 pounds of gasoline vapors per 1,000 gallons of gasoline dispensed.

(iii) ~~3~~ The Phase II vapor recovery system and associated components are installed, maintained, and operated in accordance with the most recent applicable CARB certification procedures, and CARB Executive Orders, and a manufacturer’s Installation,

Operation and Maintenance manual. All components of the CARB certified Phase II vapor recovery system are clearly identified by a permanent identification showing the manufacturer's name, model number and a unique serial number unless the component is specifically exempt from this requirements by CARB.

(iv 4) The Phase II vapor recovery system and associated components are maintained free of Title 17 defects as defined in Title 17 of the CCR or identified in the most recent applicable CARB Executive Order.

(v 5) The Phase II vapor recovery system and associated components except for components with an allowable leak rate as specified by the most recent applicable CARB Executive Order and Certification Procedure, are maintained free of liquid leaks and are vapor tight. Components with an allowable leak rate shall operate within such rate.

(vi 6) All liquid removal devices, when required to be installed per the most recent applicable CARB Executive Order, achieve a minimum liquid removal rate of at least 5 milliliters per gallon of gasoline dispensed or a minimum liquid removal rate as specified in the most recent applicable CARB Executive Order or Ceertification Pprocedure.

(vii 7) The facility has conspicuously posted:

(A i) The nozzle operating instructions and a toll-free the phone number specified by the Air Pollution Control Officer for the public to call to report problems with a nozzle or a vapor recovery system call if the nozzle is malfunctioning; and

(B ii) A warning sign stating that topping off is prohibited and may result in spillage of gasoline.

(viii 8) By the applicable dates specified in Subsections (i)(1)(ii) and (i)(3) of this rule, the Phase II vapor recovery system is CARB certified to be compatible with Onboard Refueling Vapor Recovery (ORVR).

(ix 9) By the applicable dates specified in Subsections (i)(1)(v), (i)(1)(vi) and (i)(3) of this rule, if a facility dispenses more than 600,000 gallons of gasoline in any calendar year, the facility must be equipped with a CARB Certified In-Station-Diagnostic system. This gasoline dispensing threshold may be revised by the Air Pollution Control Officer to conform with an alternative threshold specified by

~~CARB. If the facility dispenses more than 600,000 gallons of gasoline in any calendar year, the facility is equipped with a CARB-certified In-Station Diagnostic system by the applicable dates specified in Subsections (i)(1)(v), (i)(1)(vi) and (i)(3) of this rule.~~

(x) Each new or replacement dispenser is equipped with only one hose and nozzle for dispensing gasoline on each side. This requirement does not apply to existing dispensers at an existing gasoline ~~transfer and~~ dispensing facility unless the facility replaces more than 50% of the dispensers. Existing dispensers that do not meet this requirement and that must be replaced due to damage resulting from an accident or vandalism may be replaced with the same type of dispensers.

(e) **INSPECTION AND MAINTENANCE PROGRAM**

On and after (six months from the date of adoption), ~~A~~ an owner/operator of any gasoline ~~transfer and~~ dispensing facility shall implement an inspection and maintenance program sufficient to ensure the proper operation of the Phase II vapor recovery system. The program shall include at a minimum, the applicable portions of the following:

(1) A periodic inspection to be conducted with a frequency as specified in Table 1 to ensure proper operating conditions of the Phase II vapor recovery system including, but not limited to, all gasoline dispensing equipment. The inspection shall verify that:

- (i) Vapor guards (if required) are intact;
- (ii) Breakaway couplings have not separated;
- (iii) All nozzle vapor boots (if required) are free of holes, slits and rips that are Title 17 identified as defects; and
- (iv) Vapor recovery hoses, swivels, nozzles, hold-open latches, and faceplates are in good working condition and all gasoline and vapor recovery system components outside each dispenser are free of liquid leaks and Title 17 defects as specified in Subsection (d)(4) of this rule.

Table 1

| Type of Gasoline Dispensing Facility | Annual Gasoline Throughput (gallons) | Frequency of Inspection |
|---|---|---|
| Retail | ≥ 750,000 | Once per day |
| Retail | < 750,000 | Once per day (excluding weekends and holidays) |
| Non-Retail | ≥ 1 million | Once per day (excluding weekends and holidays) |
| Non-Retail | < 1 million | Once per calendar week |

(2) For balance systems, drain a weekly any retained gasoline from inspection to verify that the coaxial hoses and record are drained and the volume of gasoline removed from each per hose is recorded.

(3) A monthly verification of the dispensing flow rate of each nozzle and for each grade of gasoline to ensure compliance with the most recent applicable CARB Executive Order or Title 17 of the CCR requirements.

(4) An annual inspection to ensure compliance with all applicable District rules and regulations, and all permit conditions. The inspection shall verify that:

(i) The District permit and the signs required by Subsection (d)(37)(vii) of this rule are current and posted;

(ii) The facility complies with all permit conditions;

(iii) The Phase II vapor recovery system is properly installed and complies with the most recent applicable CARB certification procedures and CARB Executive Orders;

(iv) All connections and fittings inside the dispenser are free of liquid leaks; and

(v) The lengths and installation arrangements of all dispenser hoses are in compliance with the most recent applicable CARB Executive Orders.

(5) Maintenance Procedures

(i) Except as provided in Subsection (e)(5)(ii) below, any component, device or system identified and recorded by the owner/operator as not being in good condition or not operating properly during the inspection specified above shall be repaired, replaced, or adjusted within seven calendar days of detection in a manner that will bring the facility into compliance with this rule and the most recent applicable CARB Executive Orders. Upon request and for good cause, the Air Pollution Control Officer may allow

an additional seven calendar days for the repairs, replacements or adjustments specified above to be made.

(ii) Any component, device or system having a Title 17 defect ~~as defined in Title 17 of the CCR or identified in the most recent applicable CARB Executive Orders~~ shall not be used or made available for use.

(6) Any additional inspection and alternative maintenance procedures that may be required by the most recent applicable CARB Executive Orders and the Installation and Maintenance Manuals for the Phase II vapor recovery system as approved by CARB.

(f) SOURCE TESTING

(1) Within 60 calendar days of the installation date of a new or modified gasoline ~~transfer and~~ dispensing facility, an initial compliance source test shall be conducted as required by the applicable ~~District~~ Authority to Construct and the most recent applicable CARB Executive Orders.

(2) Periodic compliance source tests shall be conducted at least once every calendar year ~~12 months~~ and in accordance with the schedule specified by the Air Pollution Control Officer. ~~or in~~ More frequently tests may be required as determined necessary by the Air Pollution Control Officer to assure compliance with this rule. ~~The source tests shall be conducted in accordance with the most recent applicable CARB Executive Orders and CARB Certification Procedures.~~

(3) Any person conducting the tests specified in Subsection (f)(1) ~~and or~~ (f)(2) above shall have completed the South Coast Air Quality Management District's orientation class for testing and any subsequently required refresher classes or alternative training approved by the Air Pollution Control Officer and any training or certifications required by CARB or system manufacturer. Such person shall have available to the District, at the time of the test, the following:

(i) A copy of a current certificate from the South Coast Air Quality Management District, CARB, system manufacturer and/or from other approved training; and

(ii) Records of equipment calibrations performed as required by the applicable test procedures.

(4) Any person conducting the tests specified in Subsection (f)(1) or (f)(2) shall conduct such tests in accordance with the procedures specified in the Authority to Construct, Permit to Operate and the most recent applicable CARB Executive Orders and Certification Procedures.

(5) Any person conducting the tests specified in Subsection (f)(1) or (f)(2) shall, within 15 calendar days of the completion of such test, and within 15 days of the completion of a retest, in the event of a failed or invalid test, provide the owner or operator of the gasoline dispensing facility a complete and accurate test report containing all the information specified in Subsection (g)(3) of this rule.

(g) RECORDKEEPING

An owner/operator of any gasoline ~~transfer~~ and dispensing facility shall maintain at a minimum the following information as applicable: ~~from~~

(1) Records of inspections performed as required by Section (e) of this rule.

(2) Records of all malfunctioning components, including the date(s) such components were identified and ~~or~~ repaired or replaced, and any other records and information required by the most recent applicable CARB Executive Orders. ~~during the inspection and maintenance.~~

~~(3) Repair logs which include at a minimum:~~

~~(i) Date of repair;~~

~~(ii) The name of the person(s) who performed the repair, and if applicable, the name, address and phone number of the person's employer;~~

~~(iii) Description of repair and maintenance performed;~~

~~(iv) Identification of each component that was repaired, maintained, or removed;~~

~~(v) Identification of each component that was installed as replacement, if applicable; and~~

~~(vi) Receipts for parts used in the repair and, if applicable, work orders, which include the name and signature of the person responsible for performing the repairs.~~

(3 4) Records of initial and periodic compliance source tests, which include at a minimum:

- (i) Date and time of each test;
- (ii) Name, affiliation, address and phone number of the person(s) who performed the test;
- (iii) For a retest following a failed initial compliance or periodic compliance source test, description of repairs performed; and
- (iv) Copies of all test reports, including test equipment calibration date(s), test results and failed test data, in District-approved format, and, for a test that fails, a description of the reasons for the test failure.

~~(4)~~ **(5)** Monthly gasoline throughput records.

Except as provided below, all information specified in Subsections (g)(1) through (g)~~(4)~~**(5)** shall be maintained on site for a period of at least three years. The most recent applicable CARB Executive Orders, and the Installation and Maintenance Manuals for the Phase II vapor recovery system as approved by CARB, shall be maintained on site at all times. All information shall be made available to the District upon request. Records for gasoline ~~transfer and~~ dispensing facilities that are unmanned may be kept at an alternative location approved in writing by the Air Pollution Control Officer. ~~Receipts for parts and work orders for repairs as specified in Subsection (g)(3)(vi) above need not be maintained on site. Such receipts and work orders shall be provided within 14 calendar days of the District's request.~~

(h) TEST METHODS

(1) The mass emission factor and/or gasoline vapor control efficiency shall be determined in accordance with TP-201.2 – Efficiency and Emission Factor for Phase II Systems and TP-201.2A – Determination of Vehicle Matrix for Phase II Systems, and shall be determined by including all refueling emissions, stationary underground storage tank vent emissions and pressure-related fugitive emissions. Pressure-related fugitive emissions shall be determined in accordance with TP-201.2F – Pressure-Related Fugitive Emissions or the most recent applicable test method approved by CARB.

(2) Component leak rates, pursuant to Subsection (d)~~(35)~~**(v)** of this rule, shall be determined in accordance with the most recent applicable test methods, test procedures, and certification procedures approved by CARB.

(3) The liquid removal rate of a liquid removal system, when installed per the most recent applicable CARB Executive Order, shall be determined in accordance with the CARB Test Method TP-201.6C (Option 2) – Compliance Determination of Liquid Removal Rate or the most recent applicable test method approved by CARB.

(4) The Reid Vapor Pressure shall be determined in accordance with the American Society for Testing and Materials (ASTM) Standard Test Method D323-99a or its most current version.

(i) **COMPLIANCE SCHEDULE**

(1) Any existing gasoline ~~transfer and~~ dispensing facility shall comply with the requirements of this rule after *(date of adoption)* except as follows:

(i) By ~~(six months from the date of adoption)~~ comply with all applicable requirements of the Inspection and Maintenance Program and Recordkeeping specified in Sections (e) and (g) of this rule.

(ii) ~~By April 1, 2005,~~ Comply with the requirements of Subsection (d)(38)(viii) of this rule for compatibility with ORVR by the following dates:

(A) September 1, 2005 for facilities that dispensed more than two million gallons of gasoline during calendar year 2003;

(B) January 1, 2006 for facilities that dispensed between one million and two million gallons of gasoline during calendar year 2003;

(C) March 1, 2006 for facilities that dispensed less than one million gallons of gasoline during calendar year 2003.

(iii) By ~~January~~ April 1, 2008, submit to the Air Pollution Control Officer an application for Authority to Construct and Permit to Operate a CARB certified Phase II vapor recovery system meeting the requirements of Subsection (d)(32)(ii) of this rule.

(iv) By ~~October~~ January 1, 2009~~8~~, be in compliance with the requirements of Subsection (d)(32)(ii) of this rule.

(v) By ~~October~~ April 1, 2009~~8~~, facilities that dispense more than 1.8 million gallons of gasoline per year shall be in compliance with the requirements of Subsection (d)(39)(ix) of this rule.

(vi) By April 1, 2010~~09~~, facilities that dispense between 600,000 gallons and 1.8 million gallons of gasoline per year shall be in compliance with the requirements of Subsection (d)(39)(ix) of this rule.

(2) Compliance dates specified in Subsections (i)(1)(ii) through (i)(1)(vi) above may be revised by the Air Pollution Control Officer to coincide with applicable later dates specified by the California Air Resources Board.

(3) Any new gasoline ~~transfer and~~ dispensing facility, including those undergoing major modifications shall comply with all provisions of this rule, except for Subsections ~~(d)(2) and (d)(39)(ix) of this rule~~, upon initial startup. Dates for compliance with the requirements of Subsections ~~(d)(2) and (d)(39)(ix)~~ will be established by the Air Pollution Control Officer to coincide with the applicable dates specified by the California Air Resources Board.