



COUNTY OF SAN DIEGO
AIR POLLUTION CONTROL DISTRICT

AIR POLLUTION CONTROL
BOARD

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: March 26, 2008

TO: San Diego County Air Pollution Control Board

SUBJECT: AMENDMENTS OF RULE 61.4 – TRANSFER OF VOLATILE ORGANIC COMPOUNDS INTO VEHICLE FUEL TANKS AND RULE 61.4.1 – TRANSFER OF GASOLINE FROM STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE FUEL TANKS (District: All)

SUMMARY:

Overview

Adoption by the Air Pollution Control Board is requested for proposed amendments to Rule 61.4 – Transfer of Volatile Organic Compounds (gasoline and ethanol blends) into Vehicle Fuel Tanks, and Rule 61.4.1 – Transfer of Gasoline from Stationary Underground Storage Tanks into Vehicle Fuel Tanks.

Rule 61.4 requires gasoline stations to be equipped with vapor recovery systems that collect and control gasoline vapor emissions during vehicle refueling, pursuant to federal requirements. Rule 61.4.1, per State law, requires gasoline stations to be equipped with more stringent Enhanced Vapor Recovery systems, which is a mandated upgrade to the federal system requirement,

New federal guidance authorizes exemptions for non-retail gasoline stations from refueling vapor recovery requirements where at least 95% of vehicles being refueled are equipped with an Onboard Refueling Vapor Recovery system. This system is installed on newer model year vehicles to collect and control gasoline vapors during vehicle refueling. The onboard system is redundant to equipment installed at gasoline stations to control gasoline vapors during refueling. Consequently, gasoline stations primarily serving newer model year vehicles—such as municipal, corporate, or rental car fleets—can be exempted from costly requirements to install and maintain refueling vapor recovery equipment, without causing any increase in vapor emissions.

Recommendation(s)

AIR POLLUTION CONTROL OFFICER

1. Find that it is certain there is no possibility that amending Rules 61.4 and 61.4.1 may have a significant adverse effect on the environment, and this action is exempt from the provisions of California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061 (b)(3);

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2. Adopt a resolution titled Resolution Amending Rules 61.4 and 61.4.1 of Regulation IV of the Rules and Regulations of the San Diego County Air Pollution Control District.

Fiscal Impact

The recommended amendments to Rules 61.4 and 61.4.1 will not have a fiscal impact on the Air Pollution Control District Operational Plan for Fiscal Year 2008-2009. The amended rules will be enforced with existing District staff, and full-cost recovery is anticipated through the District's Permit Program.

Business Impact Statement

Amending Rules 61.4 and 61.4.1 will provide regulatory flexibility and economic benefits to many local businesses. Qualifying non-retail gasoline dispensing facilities will likely seek an exemption from costly requirements to install and maintain refueling vapor recovery equipment.

Advisory Board Statement

There was no quorum at the December 12, 2007, meeting of the Air Pollution Control District Advisory Committee. Members present recommended adopting the proposed amendments to Rules 61.4 and 61.4.1.

BACKGROUND:

Rule 61.4 regulates emissions during the transfer of volatile organic compounds (VOC), – primarily gasoline from stationary underground and aboveground storage tanks into vehicle fuel tanks. Rule 61.4 requires fuel dispensing facilities to be equipped with California Air Resources Board (ARB) certified vapor recovery (VR) systems that reduce VOC emissions during vehicle refueling (Phase II vapor recovery). The rule implements federal requirements and is included in the State Implementation Plan (SIP).

Further, pursuant to State requirements, the District adopted Rule 61.4.1 that regulates the transfer of gasoline from stationary underground storage tanks into vehicle fuel tanks. It requires gasoline dispensing facilities to be equipped with more stringent certified Enhanced Vapor Recovery (EVR) Phase II systems that further reduce VOC emissions.

Pursuant to federal requirements, all model year 2000 and newer passenger cars are equipped with an Onboard Refueling Vapor Recovery (ORVR) system, as are all model year 2003 and newer light duty trucks, sport utility and similar vehicles, and most model year 2003 and newer medium duty and heavy duty trucks with Gross Vehicle Weight Rating less than 10,000 lbs. It is expected that the VOC emission reduction efficiency of the ORVR systems on vehicles is at least as high as that of the EVR Phase II systems installed at gasoline stations, making it redundant to vapor recovery systems at gas stations. Accordingly, United States Environmental Protection Agency (EPA) allows for removing vehicle refueling vapor recovery equipment at gasoline

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dispensing facilities where it was determined that at least 95% of all vehicles refueled at the facility are ORVR-equipped. ARB concurs with this federal guidance.

The proposed amendments will exempt non-retail gasoline dispensing facilities, at which 95% or more of vehicles refueled are ORVR-equipped, from the VR (Rule 61.4) or EVR (Rule 61.4.1) refueling vapor recovery requirements, as applicable. These amendments will also provide the same exemption in both rules for retail and non-retail facilities that refuel Flexible Fuel Vehicles operating on ethanol-gasoline blend (E85) that are already equipped with ORVR. Flexible fuel dispensers serve only Flexible Fuel Vehicles. These vehicles are newer and therefore equipped with the onboard systems to collect gasoline vapors during refueling.

Rule 61.4 is also being amended to correct minor deficiencies identified by EPA and delete outdated provisions. The amended rule will be submitted to EPA as a SIP revision. The rule was last amended in 1990 and has become outdated with respect to emission testing, recordkeeping, and test method provisions.

On October 18, 2007, the District held a public workshop to discuss and receive comments on the proposed amended rules. No significant issues were raised, and workshop participants expressed support for the proposed amendments. (Attachment C)

Compliance with Board Policy on Adopting New Rules

On February 2, 1993 (APCB #2), the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or State law. Proposed amendments to Rules 61.4 and 61.4.1 do not require a socioeconomic impact assessment. Therefore, implementation of these proposed amendments is consistent with the Board's directive.

Environmental Statement

It can be seen with certainty that there is no possibility that amending Rules 61.4 and 61.4.1 may have a significant adverse impact on the environment. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Section 15061 (b)(3).

Linkage to the County of San Diego's Strategic Plan

The County's five-year strategic plan includes an Environment Initiative to ensure environmental preservation and enhance quality of life. Proposed amended Rules 61.4 and 61.4.1 will benefit the local business community while maintaining equivalent or greater reduction of VOC emissions. The amended rules appropriately balance air quality preservation, public health protection, and economic development needs.

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Respectfully submitted,

Chandra Wallar

CHANDRA L. WALLAR
Deputy Chief Administrative Officer

Raymond A. Fernandez

RAYMOND A. FERNANDEZ
Air Pollution Control Officer (Acting)

ATTACHMENT(S)

Attachment A – Resolution Amending Rules 61.4 and 61.4.1 of Regulation IV of the Rules and Regulations of the San Diego County Air Pollution Control District.

Attachment B – Change Copies

Attachment C – Workshop Report

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AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input checked="" type="checkbox"/> Yes	
Written disclosure per County Charter §1000.1 required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
COUNTY TECHNOLOGY OFFICE	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Air Pollution Control District, County of San Diego

CONTACT PERSON(S):

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AUTHORIZED REPRESENTATIVE: _____
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Air Pollution Control Officer (Acting)

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AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

March 1, 2006 (APCB #1), Adoption of New Rules 61.3.1 - Transfer of Gasoline into Stationary Underground Storage Tanks and 61.4.1-Transfer of Gasoline from Stationary Underground Storage Tanks into Vehicle Fuel Tanks; February 2, 1993 (APCB #2), Delayed implementation of new or revised regulations unless requested by business, specifically ordered by federal or State law, or for which a socioeconomic impact assessment is not required; October 16, 1990 (APCB #3) Amendment of Rules 61.3 and 61.4 to correct deficiencies identified by the Environmental Protection Agency; May 6, 1977, Adoption of Rule 61.3 – Transfer of Volatile Organic Compounds into Stationary Storage Tanks and Rule 61.4 - Transfer of Volatile Organic Compounds into Vehicle Fuel Tanks.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

Re Rules and Regulations of the)
Air Pollution Control District . .)
of San Diego County)

**RESOLUTION AMENDING RULE 61.4 – TRANSFER OF VOLATILE ORGANIC
COMPOUNDS INTO VEHICLE FUEL TANKS AND RULE 61.4.1 – TRANSFER OF
GASOLINE FROM STATIONARY UNDERGROUND STORAGE TANKS INTO
VEHICLE FUEL TANKS OF REGULATION IV OF THE RULES AND
REGULATIONS OF THE SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

On motion of Member Slater-Price, seconded by Member Jacob, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code; and

WHEREAS, pursuant to section 40727 of the Health and Safety Code, the San Diego County Air Pollution Control Board makes the following findings:

- (1) (Necessity) The adoption of proposed amended Rules 61.4 and 61.4.1 is necessary in order to exempt certain non-retail gasoline dispensing facilities from refueling vapor recovery requirements as allowed by the Federal Environmental Protection Agency (EPA) guidance and to correct minor deficiencies identified by EPA;
- (2) (Authority) The adoption of proposed amended Rules 61.4 and 61.4.1 is authorized by Health and Safety Code section 40702;
- (3) (Clarity) The proposed amended Rules 61.4 and 61.4.1 can be easily understood by persons directly affected by them;
- (4) (Consistency) The adoption of proposed amended Rules 61.4 and 61.4.1 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;

- (5) (Non-duplication) The adoption of proposed amended Rules 61.4 and 61.4.1 will not duplicate existing District or federal requirements;
- (6) (Reference) The adoption of proposed amended Rules 61.4 and 61.4.1 is necessary to exempt certain non-retail gasoline dispensing facilities from the refueling vapor recovery requirements and to correct minor deficiencies in Rule 61.4 identified by EPA; and

WHEREAS, the Air Pollution Control Board further finds that an analysis is not required pursuant to Health and Safety Code section 40727.2 because the proposed amendments to Rules 61.4, and 61.4.1 do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements; and

WHEREAS, the Air Pollution Control Board further finds pursuant to Health and Safety Code section 40001 that proposed amended Rules 61.4 and 61.4.1 will not interfere with the attainment of ambient air quality standards; and

WHEREAS, the Air Pollution Control Board further finds that an assessment of socioeconomic impacts is not required by Health and Safety Code section 40728.5 for adoption of amended Rules 61.4 and 61.4.1 because it will not significantly affect air quality or emission limitations.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

1. Proposed amended Rule 61.4 is to read as follows:

RULE 61.4. TRANSFER OF VOLATILE ORGANIC COMPOUNDS INTO VEHICLE FUEL TANKS (Effect. 5/6/77; Rev. 10/16/90, Rev. 03/26/08)

(a) **APPLICABILITY**

Except as proved for in Section (b) - Exemptions, this rule is applicable to the transfer of volatile organic compounds (VOC's) into any motor vehicle tank with a capacity greater than 5 gallons (18.9 liters) at the following fuel dispensing facilities:

- (1) Any retail service station, as defined in Rule 61.0 where VOC's are dispensed into motor vehicle tanks from any stationary storage tank with a capacity of 250 gallons (946 liters) or more, and

(2) Any facility that is not a retail service station where:

(i) VOC's are dispensed into motor vehicle tanks from any stationary storage tank with a capacity greater than 550 gallons (2080 liters), and

(ii) Where more than 2000 gallons (7570 liters) of VOC's are transferred into motor vehicle tanks in any calendar month on the parcel of land where the facility is located.

(b) EXEMPTIONS

This rule does not apply to the dispensing of:

(1) VOC's into motor vehicle fuel tanks from any intermediate refueler provided VOC's are not sold directly from the intermediate refueler; or

(2) Natural gas or propane when not mixed with any other VOC; or

(3) VOC's 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.

(4) VOC's from any stationary storage tank that:

(i) Is used primarily in the fueling of aircraft and/or intermediate aircraft refuelers, or boats; or

(ii) Is located on a parcel of land where not more than 2,000 gallons (7570 liters) are transferred into motor vehicles during any calendar month, provided that the facility is not a retail service station. The owner or operator of a stationary tank subject to this requirement shall maintain monthly VOC throughput records. These records shall be maintained on site for a period of at least three years and be made available to the District upon request.

(5) VOC's from any stationary storage tank into a vehicle fuel tank at any non-retail service station where 95 percent of vehicles refueled are equipped with Onboard Refueling Vapor Recovery (ORVR) provided that the Phase II vapor recovery system, if previously installed, has been properly removed. Any person claiming this exemption shall maintain records of the make, model year, vehicle identification number and any other information indicating whether the vehicle is equipped with ORVR, for all vehicles refueled at such facility. These records shall be maintained on site for at least three years and be made available to the District upon request.

(6) E85 from any stationary storage tank into a Flexible Fuel Vehicle fuel tank at any retail or non-retail service station.

(c) **STANDARDS**

Except as provided for in Section (b) of this rule, no person shall transfer or allow the transfer of VOC's into any motor vehicle fuel tank unless all the following requirements are met:

(1) The vapors displaced during the transfer, and displaced from any storage tank associated with the transfer, shall be controlled by a Phase II vapor recovery system certified by the California Air Resources Board (CARB) to be at least 95% effective.

The Phase II vapor recovery system and its components shall have been certified by the CARB prior to installation; unless the installation is granted written approval by both the CARB and the District for the purpose of conducting field evaluations to determine the certification status of the system and/or any of its components.

(2) No person shall insert or allow the insertion of an object between any vehicle tank fill spout and any vapor recovery nozzle in order to prevent sealing at the vehicle-nozzle interface.

(3) The Phase II vapor recovery system and its components shall be installed, operated, and maintained so that their performance in actual use, as determined by the Air Pollution Control Officer, is:

(i) The same as the CARB certification test system associated with the applicable CARB Executive Order, and

(ii) The Phase II vapor recovery system and its components are installed, operated and maintained in accordance with the applicable CARB Executive Orders and any instructions of the manufacturer(s) of the system and its components.

(4) The Phase II vapor recovery system and its components shall not be altered from their certified configuration. Alterations include, but are not limited to:

(i) Piping and fitting changes, or installation of valves in the vapor piping; or

(ii) Substitutions of certified components with non-certified components and removal of certified components; and

(iii) Any other modifications that can affect the emissions.

(5) Except as provided in Subsection (c)(6) below, any component, device, or system identified and recorded by the owner/operator as not being in good condition or not operating properly 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.

(6) Any component, device or system having a defect identified in Title 17, California Code of Regulations, shall not be used or made available for use.

(7) Each VOC dispensing nozzle shall be equipped with a hold-open latch device in proper working order, except where prohibited by the local fire authority.

(d) SOURCE TESTING

(1) Within 60 calendar days of the installation date of any new or modified service station an initial compliance source test shall be conducted as required by the applicable 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 and in accordance with the schedule specified by the Air Pollution Control Officer. More frequent tests may be required as determined necessary by the Air Pollution Control Officer to assure compliance with this rule.

(e) RECORDKEEPING

An owner/operator of a service station shall maintain at a minimum the following information:

(1) 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.

(2) Monthly throughput records of VOC liquids

All information specified in Subsections (e)(1) and (e)(2) shall be maintained on site for a period of at least three years and be made available to the District upon request.

(f) **TEST METHODS**

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

(2) The liquid removal rate of a liquid removal system, when required to be installed pursuant to 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 EPA and CARB.

(3) As applicable, the air to liquid (A/L) volumetric ratio for each nozzle shall be determined in accordance with the CARB Test Method TP -201.5 or the most recent applicable test method approved by EPA and CARB.

(4) A pressure decay leak test of the entire vapor recovery system shall be performed in accordance with the CARB Test Method 201.3 or 201.3.B as applicable, or in accordance with the most recent applicable test method approved by EPA and CARB.

(5) Any other applicable test methods approved by EPA and CARB.

2. Proposed amended Rule 61.4.1 is to read as follows:

RULE 61.4.1 TRANSFER OF GASOLINE FROM STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE FUEL TANKS (Effect. 03/01/06; Rev. 03/26/08)

(a) **APPLICABILITY**

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

(1) Any retail gasoline 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 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 fuel tanks in any calendar month on the parcel of land where the gasoline dispensing facility is located. This parcel of land includes any adjoining parcels of land under common ownership or entitlement to use.

(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 dispensing facility located on a parcel of land where not more than 2,000 gallons (7,570 liters) are transferred into motor vehicle fuel tanks during any calendar month. This parcel of land includes any adjoining parcels of land under common ownership or entitlement to use. Any person claiming this exemption shall maintain gasoline throughput records for each calendar month. These records shall be maintained on site for at least three years and be made available to the Air Pollution Control Officer upon request.

(5) Transfer of gasoline from any stationary underground storage tank into a vehicle fuel tank at any non-retail gasoline dispensing facility where 95 percent of vehicles refueled are equipped with Onboard Refueling Vapor Recovery (ORVR) provided that the Phase II vapor recovery system, if previously installed, has been properly removed. Any person claiming this exemption shall maintain records of the make, model year, vehicle identification number and any other information indicating whether the vehicle is equipped with ORVR, for all vehicles refueled at such facility. These records shall be maintained on site for at least three years and be made available to the District upon request.

(6) Transfer of E85 from any stationary underground storage tank into a Flexible Fuel Vehicle fuel tank at any retail or non-retail gasoline dispensing facility.

(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 volume of gasoline dispensed during any calendar year at a gasoline 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 the gasoline dispensing facility or an employee of such owner or operator.

(13) "**E85**" means a 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 CCR, Section 2250 et seq., and as further defined in Title 12 CCR Section 2250(b) and containing a minimum 15% of petroleum distillate and a maximum 85% of ethyl alcohol.

(14) "**EVR**" means Enhanced Vapor Recovery.

(15) "**Existing Phase II Gasoline Dispensing Facility**" means a facility in San Diego County whose construction was completed before April 1, 2005, and which is subject to the requirements of this rule.

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

(17) "**Flexible Fuel Vehicle**" means a vehicle specially designed and manufactured to operate on either gasoline or on E85.

(18) "**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 CCR, Section 2250 et seq., and as further defined in Title 12 CCR Section 2250(b).

(19) "**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.

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

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

$$E = (V_1 - V_{vsr}) / (V_1) \times 100\%, \text{ where:}$$

V_1 = total volume of gasoline vapors returned to the cargo tank;

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

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

(23) **“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.

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

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

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

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

(28) **“Major Modification”** means a modification of a Phase II vapor recovery system that includes the addition, replacement, or removal of 50% 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 Onboard Refueling Vapor Recovery (ORVR) compatible do not constitute a major modification.

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

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

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

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

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

(34) **“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 facility.

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

(36) **"Retail Gasoline Dispensing Facility"** means any gasoline dispensing facility subject to the payment of California sales tax for the sale of gasoline.

(37) **"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.

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

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

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

(41) **"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 shut-off mechanism shall not be considered topping off.

(42) **"Vacuum-Assist System"** means a CARB-certified Phase II vapor recovery system utilizing a vacuum-producing device during gasoline dispensing to capture or assist in the capture of gasoline vapors.

(43) **"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.

(44) **"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.

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

(46) **"Vapor Tight"** means an absence of a vapor leak or an absence of soap bubbles as indicated by a leak detection solution for a component without an allowable leak rate.

(47) **“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 September 1, 2006, a contractor/installer shall not install, modify, or repair any Phase I vapor recovery system or component, unless they have successfully completed a manufacturer’s training program applicable to such system and a relevant training program specified by the Air Pollution Control Officer. A copy of current documents demonstrating that such programs have been successfully completed shall be made available to the Air Pollution Control Officer upon request.

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

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

(A) 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) 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) The Phase II vapor recovery system and associated components are installed, maintained, and operated in accordance with the most recent applicable CARB certification procedures, CARB Executive Orders, and the manufacturer’s Installation, Operation and Maintenance manual.

(iv) The Phase II vapor recovery system and associated components are maintained free of Title 17 defects.

(v) 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) All liquid removal devices, when required to be installed pursuant to the most recent applicable CARB Executive Order, achieve a minimum liquid removal rate of at least five milliliters per gallon of gasoline dispensed unless a different minimum liquid removal rate is specified in the most recent applicable CARB Executive Order.

(vii) The facility has conspicuously posted:

(A) The nozzle operating instructions and a toll-free 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; and

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

(viii) The Phase II vapor recovery system is CARB certified to be compatible with ORVR.

(ix) By the applicable dates specified in Subsections (j)(1)(iv), (j)(1)(v) and (j)(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 ISD system. This gasoline dispensing threshold may be revised after public notice and a 30-day comment period by the Air Pollution Control Officer to conform with an alternative threshold specified by CARB.

(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 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 September 1, 2006, an owner/operator of any gasoline 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 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 boots (if required) are free of holes, slits, and rips that are Title 17 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.

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, draining weekly any retained gasoline from the coaxial hoses and recording the volume of gasoline removed from each hose.

(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 CCR requirements.

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

(i) The District permit and the signs required by Subsection (d)(3)(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 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 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 or the Installation and Maintenance Manuals as approved by CARB.

(I) **SOURCE TESTING**

(1) Within 60 calendar days of the installation date of a new or modified gasoline dispensing facility, an initial compliance source test shall be conducted as required by the applicable 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 and in accordance with the schedule specified by the Air Pollution Control Officer. More frequent tests may be required as determined necessary by the Air Pollution Control Officer to assure compliance with this rule.

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

(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 repaired or replaced, and any other records and information required by the most recent applicable CARB Executive Orders.

(3) 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) Monthly gasoline throughput records.

Except as provided below, all information specified in Subsections (g)(1) through (g)(4) 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 as approved by CARB, shall be maintained on site at all times. All such information shall be made available to the District upon request. Records for gasoline dispensing facilities that are not staffed may be kept at an alternative location approved in writing by the Air Pollution Control Officer.

(h) TEST METHODS

(1) The mass emission factor and/or gasoline vapor control efficiency shall be determined in accordance with CARB Test Method TP-201.2 - Efficiency and Emission Factor for Phase II Systems and CARB Test Method 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 CARB Test Method 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)(3)(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 required to be installed pursuant to 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) 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) (RESERVED)

(j) COMPLIANCE SCHEDULE

(1) Any existing gasoline dispensing facility shall comply with the requirements of this rule after March 1, 2006, except as follows:

(i) By September 1, 2006, comply with all applicable requirements in Sections (e) and (g) of this rule for Inspection and Maintenance Program and Recordkeeping specified.

(ii) By 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)(3)(ii) of this rule.

(iii) By January 1, 2009, be in compliance with the gasoline vapor control efficiency requirements of Subsection (d)(3)(ii) of this rule.

(iv) By April 1, 2009, facilities that dispense more than 1.8 million gallons of gasoline per year shall be in compliance with the ISD requirements of Subsection (d)(3)(ix) of this rule.

(v) By April 1, 2010, facilities that dispense between 600,000 gallons and 1.8 million gallons of gasoline per year shall be in compliance with the ISD requirements of Subsection (d)(3)(ix) of this rule.

(2) Compliance dates specified in Subsections (j)(1)(ii) through (j)(1)(v) above may be revised by the Air Pollution Control Officer to coincide with applicable later dates specified by CARB.

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

IT IS FURTHER RESOLVED AND ORDERED that the subject amendments to Rules 61.4 and 61.4.1 of Regulation IV shall take effect upon adoption.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 26th day of March, 2008, by the following votes:

AYES: Cox, Jacob, Slater-Price, Horn

ABSENT: Roberts

STATE OF CALIFORNIA)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By: Catherine Santos
Catherine Santos, Deputy



Resolution No. 08-062
3/26/08 (AP01)

CHANGE COPY

1. Amendments to Rule 61.4 are to read as follows:

RULE 61.4 TRANSFER OF VOLATILE ORGANIC COMPOUNDS INTO VEHICLE FUEL TANKS (Effect. 5/6/77; Rev. ~~Effective 10/16/90, Rev. (date of adoption)~~)

(a) **APPLICABILITY**

Except as provided for in Section (b) - Exemptions, this rule is applicable to the transfer of volatile organic compounds (VOC's) into any motor vehicle tank with a capacity greater than 5 gallons (18.93 liters) at the following fuel dispensing facilities:

(1) Any retail service station, as defined in Rule 61.0 where VOC's are dispensed into motor vehicle tanks from any stationary storage tank with a capacity of ~~250~~260 gallons (~~946~~984 liters) or more, and

(2) Any facility that is not a retail service station where:

(i) VOC's are dispensed into motor vehicle tanks from any stationary storage tank with a capacity greater than 550 gallons (2080 liters), and

(ii) Where more than 2000 gallons (7570 liters) of VOC's are transferred into motor vehicle tanks in any calendar month on the parcel of land where the facility is located.

(b) **EXEMPTIONS** (~~Rev. Effective 10/16/90~~)

~~Except as provided in (b)(5) below, t~~This rule does not apply to the dispensing of:

(1) VOC's into motor vehicle fuel tanks from any intermediate refueler provided VOC's are not sold directly from the intermediate refueler; or

(2) Natural gas or propane when not mixed with any other VOC; or

(3) VOC's 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.

(4) VOC's from any stationary storage tank that:

(i) Is used primarily in the fueling of aircraft and/or intermediate aircraft refuelers, or boats; or

~~(ii) Is used exclusively in the filling of tanks with a capacity of 5 gallons (18.93 liters) or less; or~~

(ii) Is located on a parcel of land ~~whereon~~ which not more than 2,000 gallons (7570 liters) are transferred into motor vehicles during any calendar month, provided that the facility is not a retail service station. ~~where:~~The owner or operator of a stationary tank subject to this requirement shall maintain monthly VOC throughput records. These records shall be maintained on site for a period of at least three years and be made available to the District upon request.

~~(A) no stationary storage tank with a capacity of 260 gallons (984 liters) or more is added, installed or replaced at the facility after March 14, 1989; and~~

~~(B) no modification, replacement or repair of any underground liquid VOC piping from the stationary storage tank to the dispensers occurs at the facility after March 14, 1989; and~~

~~(iv) Is located at any retail service station in the Desert portion of San Diego County provided that:~~

~~(A) no stationary storage tank with a capacity of 260 gallons (984 liters) or more is added, installed or replaced at the facility after March 14, 1989; and~~

~~(B) no modification, replacement or repair of any underground liquid VOC piping from the stationary storage tank to the dispensers occurs at the facility after March 14, 1989; and~~

~~(C) the retail service station does not exceed a VOC throughput of 480,000 gallons (1817 kiloliters) in any calendar year after March 7, 1990; or~~

~~(v) is located in the Desert portion of San Diego County at any dispensing facility other than a retail service station; or~~

~~(vi) has a capacity of less than 260 gallons (984 liters).~~

(5) The exemptions of paragraph (4)(iii) and subparagraph (iv)(C) above shall not apply unless the operator maintains records of total VOC liquid throughputs on the parcel of land where the facility is located, and makes those records available to the District upon request. The throughput records shall be maintained as follows: (Rev. Effective 10/16/90)

~~(i) For exemptions associated with 2000 gallons/month or less, records shall be maintained for each calendar month and each monthly record shall be kept for at least two years.~~

~~(ii) For exemptions associated with 480,000 gallons/year or less, the records shall be maintained for each calendar year and each yearly record shall be kept for at least two years.~~

(5) VOC's from any stationary storage tank into a vehicle fuel tank at any non-retail service station where 95 percent of vehicles refueled are equipped with On-Board Refueling Vapor Recovery (ORVR) provided that the Phase II vapor recovery system, if previously installed, has been properly removed. Any person claiming this exemption shall maintain records of the make, model year, vehicle identification number and any other information indicating whether the vehicle is equipped with ORVR, for all vehicles refueled at such facility. These records shall be maintained on site for at least three years and be made available to the District upon request.

(6) E85 from any stationary storage tank into a Flexible Fuel Vehicle fuel tank at any retail or non-retail service station.

(c) STANDARDS (Rev. Effective 10/16/90)

Except as provided for in Section (b) of this rule, no person shall transfer or allow the transfer of VOC's into any motor vehicle fuel tank unless all the following requirements are met:

(1) The vapors displaced during the transfer, and displaced from any storage tank associated with the transfer, shall be controlled by a Phase II vapor recovery system certified by the ~~State of California~~ Air Resources Board (CARB) to be at least 95% effective, ~~except for any Phase II vapor recovery system installed prior to July 1, 1976. Any system installed prior to July 1, 1976 shall prevent at least 95% of the vapors displaced during the transfer, and displaced from any storage tank associated with the transfer, from being released into the atmosphere.~~

~~If installed after July 1, 1976, t~~ The Phase II vapor recovery system and its components shall have been certified by the California Air Resources Board (CARB) prior

to installation; unless the installation is granted written approval by both the CARB and the District for the purpose of conducting field evaluations to determine the certification status of the system and/or any of its components.

(2) No person shall insert or allow the insertion of an object between any vehicle tank fill spout and any vapor recovery nozzle in order to prevent sealing at the vehicle-nozzle interface.

(3) The Phase II vapor recovery system and its components shall be installed, operated, and maintained so that their performance in actual use, as determined by the Air Pollution Control Officer, is:

(i) The same as the CARB certification test system associated with the applicable CARB State Executive Order, ~~if the system was installed on or after July 1, 1976, or and~~

~~(ii) The same as when approval was granted for a Permit to Operate if the system was installed prior to July 1, 1976, and~~

(iii) The Phase II vapor recovery system and its components are installed, operated and maintained in accordance with the applicable CARB Executive Orders and any instructions of the manufacturer(s) of the system and its components, unless otherwise specified by the Air Pollution Control Officer.

(4) The Phase II vapor recovery system and its components shall not be altered from their certified or District approved configuration ~~except as approved in advance by the Air Pollution Control Officer.~~ Alterations include, but are not limited to:

(i) Piping and fitting changes, or installation of valves in the vapor piping; or

(ii) Substitutions of certified components with non-certified components and removal of certified components; and

(iii) Any other modifications that can affect the emissions.

(5) Except as provided in Subsection (c)(6) below, any component, device or system identified and recorded by the owner/operator as not being in good condition or not operating properly 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.

~~VOC dispensing equipment shall not be used if its associated Phase II system or any component thereof contains a defect that is determined by the Air Pollution Control Officer as being the same as, or having approximately the same emissions impact as, a defect identified in Title 17, California Code of Regulations, Section 94006. Any other defective Phase II system or component shall be replaced, repaired or adjusted within seven days in a manner that will bring the facility into compliance with the applicable District Rules and Regulations. In the latter case, the associated VOC dispensing equipment shall not be used if every violation is not eliminated within the seven day period. (Rev. Effective 10/16/90)~~

(6) Any component, device or system having a defect identified in Title 17, California Code of Regulations, shall not be used or made available for use.

~~(67) On and after September 1, 1989, e~~ Each VOC dispensing nozzle shall be equipped with a hold-open latch device in proper working order, except where prohibited by the local fire authority.

(d) SOURCE TESTING

(1) Within 60 calendar days of the installation date of any new or modified service station an initial compliance source test shall be conducted as required by the applicable 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 and in accordance with the schedule specified by the Air Pollution Control Officer. More frequent tests may be required as determined necessary by the Air Pollution Control Officer to assure compliance with this rule.

(e) RECORDKEEPING

An owner/operator of a service station shall maintain at a minimum the following information:

(1) 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.

(2) Monthly throughput records of VOC liquids.

All information specified in Subsections (e)(1) and (e)(2) shall be maintained on site for a period of at least three years and be made available to the District upon request.

(f) TEST METHODS

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

(2) The liquid removal rate of a liquid removal system, when required to be installed pursuant to 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 EPA and CARB.

(3) As applicable, the air to liquid (A/L) volumetric ratio for each nozzle shall be determined in accordance with the CARB Test Method TP -201.5 or the most recent applicable test method approved by EPA and CARB.

(4) A pressure decay leak test of the entire vapor recovery system shall be performed in accordance with the CARB Test Method 201.3 or 201.3.B as applicable, or in accordance with the most recent applicable test method approved by EPA and CARB.

(5) Any other applicable test methods approved by EPA and CARB.

2. Amendments to Rule 61.4.1 are to read as follows:

RULE 61.4.1 TRANSFER OF GASOLINE FROM STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE FUEL TANKS (Adopted and Effective: 03/01/06)

(a) APPLICABILITY

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

(1) Any retail gasoline 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 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 fuel tanks in any calendar month on the parcel of land where the gasoline dispensing facility is located. This parcel of land includes any adjoining parcels of land under common ownership or entitlement to use.

(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 dispensing facility located on a parcel of land where not more than 2,000 gallons (7,570 liters) are transferred into motor vehicle fuel tanks during any calendar month. This parcel of land includes any adjoining parcels of land under common ownership or entitlement to use. Any person claiming this exemption shall maintain gasoline throughput records for each calendar month. These records shall be maintained on site for at least three years and be made available to the Air Pollution Control Officer upon request.

(5) Transfer of gasoline from any stationary underground storage tank into a vehicle fuel tank at any non-retail gasoline dispensing facility where 95 percent of vehicles refueled are equipped with On-Board Refueling Vapor Recovery (ORVR) provided that the Phase II vapor recovery system, if previously installed, has been properly removed. Any person claiming this exemption shall maintain records of the make, model year, vehicle identification number and any other information indicating whether the vehicle is equipped with ORVR, for all vehicles refueled at such facility. These records shall be maintained on site for at least three years and be made available to the District upon request.

(6) Transfer of E85 from any stationary underground storage tank into a Flexible Fuel Vehicle fuel tank at any retail or non-retail gasoline dispensing facility.

(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 volume of gasoline dispensed during any calendar year at a gasoline 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 the gasoline dispensing facility or an employee of such owner or operator.

(13) **“E85”** means a 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 CCR, Section 2250 et seq., and as further defined in Title 12 CCR Section 2250(b) and containing a minimum 15% of petroleum distillate and a maximum 85% of ethyl alcohol.

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

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

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

(17) “**Flexible Fuel Vehicle**” means a vehicle specially designed and manufactured to operate on either gasoline or on E85.

(186) “**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 CCR, Section 2250 et seq., and as further defined in Title 12 CCR Section 2250(b).

(197) “**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.

(2048) “**Gasoline Dispensing Facility (GDF)**” means a stationary facility, consisting of one or more storage tanks and associated equipment, that receives, stores, and dispenses gasoline.

(2149) “**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.

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

(234) “**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.

(~~242~~) **“In-Station Diagnostics (ISD)”** means equipment that provides monitoring of vapor recovery system parameters and components, and alerts the station operator when certain failure modes are detected so that corrective action can be taken.

(~~253~~) **“Intermediate Refueler”** means a mobile transport tank used primarily in the fueling of vehicle, boat, or aircraft fuel tanks.

(~~264~~) **“Leak Detection Solution”** means any solution containing soap, detergent, or similar materials that promote formation of bubbles at the site of any escaping vapors.

(~~275~~) **“Liquid Leak”** means any visible liquid leak of gasoline at a rate in excess of three drops per minute.

(~~286~~) **“Major Modification”** means a modification of a Phase II vapor recovery system that includes the addition, replacement, or removal of 50% 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 On-Board Refueling Vapor Recovery (ORVR) compatible do not constitute a major modification.

(~~297~~) **“Mobile Transport Tank”** means any cargo tank or trailer, railroad tank car, or tanker used to transport gasoline.

(~~3028~~) **“Monthly Gasoline Throughput”** means the total volume of gasoline dispensed during any calendar month at a gasoline dispensing facility.

(~~3129~~) **“New Phase II Gasoline Dispensing Facility”** means a facility in San Diego County whose construction or major modification was completed on or after April 1, 2005, and which is subject to the requirements of this rule.

(~~320~~) **“Nozzle Boot”** means a flexible device around the spout of some vapor recovery nozzles, utilized to capture the vapor displaced from a motor vehicle.

(~~334~~) **“On-Board Refueling Vapor Recovery (ORVR)”** means a motor vehicle-based vapor recovery system required by Title 13 CCR, Section 1978, or 40 Code of Federal Regulations Part 86.

(~~342~~) **“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 facility.

(~~353~~) **“Reid Vapor Pressure”** means an absolute vapor pressure of gasoline or other volatile petroleum products at 100° F (37.8° C).

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

(375) **“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.

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

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

(4038) **“Title 17 Defect”** means a defect substantially impairing the effectiveness of vapor recovery systems as specified in Title 17 CCR or in the applicable CARB Executive Order.

(4139) **“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.

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

(434) **“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.

(442) **“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.

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

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

(475) **“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 September 1, 2006, a contractor/installer shall not install, modify, or repair any Phase II vapor recovery system or component, unless they have successfully completed a manufacturer's training program applicable to such system and a relevant training program specified by the Air Pollution Control Officer. A copy of current documents demonstrating that such programs have been successfully completed shall be made available to the Air Pollution Control Officer upon request.

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

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

(A) 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) 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) The Phase II vapor recovery system and associated components are installed, maintained, and operated in accordance with the most recent applicable CARB certification procedures, CARB Executive Orders, and the manufacturer's Installation, Operation and Maintenance manual.

(iv) The Phase II vapor recovery system and associated components are maintained free of Title 17 defects.

(v) 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) All liquid removal devices, when required to be installed pursuant to the most recent applicable CARB Executive Order, achieve a minimum liquid removal rate of at least five milliliters per gallon of gasoline dispensed unless a different minimum liquid removal rate is specified in the most recent applicable CARB Executive Order.

(vii) The facility has conspicuously posted:

(A) The nozzle operating instructions and a toll-free 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; and

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

(viii) The Phase II vapor recovery system is CARB certified to be compatible with ORVR.

(ix) By the applicable dates specified in Subsections (j)(1)(iv), (j)(1)(v) and (j)(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 ISD system. This gasoline dispensing threshold may be revised after public notice and a 30-day comment period by the Air Pollution Control Officer to conform with an alternative threshold specified by CARB.

(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 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 September 1, 2006, an owner/operator of any gasoline 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 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 boots (if required) are free of holes, slits, and rips that are Title 17 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.

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, draining weekly any retained gasoline from the coaxial hoses and recording the volume of gasoline removed from each hose.

(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 CCR requirements.

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

(i) The District permit and the signs required by Subsection (d)(3)(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 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 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 or the Installation and Maintenance Manuals as approved by CARB.

(f) **SOURCE TESTING**

(1) Within 60 calendar days of the installation date of a new or modified gasoline dispensing facility, an initial compliance source test shall be conducted as required by the applicable 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 and in accordance with the schedule specified by the Air Pollution Control Officer. More frequent tests may be required as determined necessary by the Air Pollution Control Officer to assure compliance with this rule.

(3) Any person conducting the tests specified in Subsection (f)(1) 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 ~~and/or~~ alternative training approved by the Air Pollution Control Officer and any training or certifications required by CARB or system manufacturer. Such person shall make available to the District, at the time of the test and any other time upon request, 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 calendar 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 dispensing facility shall maintain at a minimum the following information:

(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 repaired or replaced, and any other records and information required by the most recent applicable CARB Executive Orders.

(3) 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) Monthly gasoline throughput records.

Except as provided below, all information specified in Subsections (g)(1) through (g)(4) 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 as approved by CARB, shall be maintained on site at all times. All such information shall be made available to the District upon request. Records for gasoline dispensing facilities that

are not staffed may be kept at an alternative location approved in writing by the Air Pollution Control Officer.

(h) TEST METHODS

(1) The mass emission factor and/or gasoline vapor control efficiency shall be determined in accordance with CARB Test Method TP-201.2 – Efficiency and Emission Factor for Phase II Systems and CARB Test Method 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 CARB Test Method 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)(3)(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 required to be installed pursuant to 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) 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) (RESERVED)

(j) COMPLIANCE SCHEDULE

(1) Any existing gasoline dispensing facility shall comply with the requirements of this rule after March 1, 2006, except as follows:

(i) By September 1, 2006, comply with all applicable requirements in Sections (e) and (g) of this rule for Inspection and Maintenance Program and Recordkeeping specified.

(ii) By 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)(3)(ii) of this rule.

(iii) By January 1, 2009, be in compliance with the gasoline vapor control efficiency requirements of Subsection (d)(3)(ii) of this rule.

(iv) By April 1, 2009, facilities that dispense more than 1.8 million gallons of gasoline per year shall be in compliance with the ISD requirements of Subsection (d)(3)(ix) of this rule.

(v) By April 1, 2010, facilities that dispense between 600,000 gallons and 1.8 million gallons of gasoline per year shall be in compliance with the ISD requirements of Subsection (d)(3)(ix) of this rule.

(2) Compliance dates specified in Subsections (j)(1)(ii) through (j)(1)(v) above may be revised by the Air Pollution Control Officer to coincide with applicable later dates specified by CARB.

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

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**PROPOSED AMENDED RULES 61.4.1 – TRANSFER OF GASOLINE FROM
STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE
FUEL TANKS AND 61.4 - TRANSFER OF VOLATILE ORGANIC COMPOUNDS
INTO VEHICLE FUEL TANKS**

WORKSHOP REPORT

A workshop notice was mailed to all companies and government agencies in San Diego County that may be subject to proposed amended Rules 61.4 – Transfer of Volatile Organic Compounds into Vehicle Fuel Tanks and 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 October 18, 2007, and was attended by 21 people. The comments and Air Pollution Control District (District) responses are provided below:

PROPOSED AMENDED RULE 61.4.1

1. WORKSHOP COMMENT:

The proposed amendment in Subsection (b)(5) allows non-retail gasoline dispensing facilities (GDFs) to be exempt from installing Enhanced Vapor Recovery Systems (EVR) Phase II if at least 95% of vehicles refueled at the facility are equipped with On-board Refueling Vapor Recovery (also called 95% ORVR penetration). Will the District send out individual letters to those facilities that are eligible for this exemption?

DISTRICT RESPONSE:

No. If amended Rule 61.4.1 is adopted by the Air Pollution Control Board (expected to be scheduled for early 2008), the District will issue a Compliance Advisory to inform all owners and operators of non-retail GDFs of the new exemption for eligible facilities (those with 95% ORVR penetration). Owners/operators should evaluate their vehicle fleets refueled at each of their non-retail GDFs to determine potential eligibility for the exemption. An owner/operator of non-retail GDF meeting the 95% ORVR penetration may submit an application for a modification of their Permit to Operate that GDF to reflect the exemption from EVR Phase II.

2. WORKSHOP COMMENT:

What form should be used when submitting an application for a permit modification requesting an exemption from installing EVR Phase II? When should the application be submitted?

DISTRICT RESPONSE:

The General Permit/Registration Application Form (Form 116) should be used to request the exemption. These forms are available on the District's website at www.sdapcd.org/permits/APPS/AppsTOC.html. The application form may be submitted after the amended rule adoption by the Air Pollution Control Board.

3. WORKSHOP COMMENT:

The proposed exemption for ORVR-equipped vehicles specifies that records be maintained. What information should be included in these records and how often should the records be updated?

DISTRICT RESPONSE:

Each facility for which an EVR Phase II exemption is claimed must maintain records of the make, model year, vehicle identification number, and any other information indicating whether each vehicle that refuels at that facility, on or after the date the application for the exemption is submitted to the District, is equipped with ORVR. The Vehicle Emission Control Information label attached to the vehicle's hood or engine compartment contains the "Evaporation (Evap) Family" code which specifies whether the vehicle is equipped with ORVR, as illustrated in an attachment to this Workshop Report and on the District's website at www.sdapcd.org/comply/vapor/PDFforms/Id-ORVR-Vehicles.pdf). The records should accurately reflect the current population of vehicles being refueled at the non-retail GDF for which the Phase II EVR exemption is claimed, and should be updated as new vehicles are purchased or otherwise added to the fleet refueling at the GDF, or as vehicles are removed from the fleet.

4. WORKSHOP COMMENT:

Does the proposed exemption apply to multiple stations under single ownership or to each individual station?

DISTRICT RESPONSE:

An exemption will apply to an individual station. Please see the District Response to the next comment.

5. WORKSHOP COMMENT:

How should a facility calculate the 95% ORVR penetration?

DISTRICT RESPONSE:

Only light-duty vehicles, medium-duty vehicles, and heavy-duty vehicles with a Gross Vehicle Weight Rating (GVWR) less than 10,000 pounds are considered in the calculation of percent ORVR penetration at a non-retail GDF. Motorcycles, off-road vehicles, and vehicles with a GVWR of 10,000 pounds or more are excluded.

Please note that an exemption from Phase II EVR will apply to an individual non-retail GDF for which the ORVR penetration will be equal or greater than 95%. Therefore, only vehicles that will refuel at that particular GDF — on or after the date the application for the exemption is submitted to the District — are included in the calculation of ORVR penetration for that facility.

The percent ORVR penetration for an individual GDF is calculated by dividing the number of ORVR-equipped vehicles that refuel at this GDF by the total number of vehicles that refuel there, and multiplying the resulting value by 100. For example, if a total of 50 vehicles refuel at a given GDF, of which 48 have ORVR, then the percent ORVR penetration for that GDF is: $(48/50) \times 100 = 96\%$.

If the resulting value is not a whole number, then the value is rounded using the conventional rounding method. For example, 94.5% rounds up to 95%, whereas 94.4% rounds down to 94%.

6. WORKSHOP COMMENT:

If a calculated percent of ORVR penetration is 94.6%, would it be permissible to round up to 95%?

DISTRICT RESPONSE:

Yes. Please see the District Response to Comment 5.

7. WORKSHOP COMMENT:

The proposed exemption in Subsection (b)(5) applies to non-retail GDFs with at least 95% of vehicles refueled equipped with ORVR. Should vehicles heavier than 10,000 lbs, motorcycles or off-road vehicles be excluded from the total vehicle count?

DISTRICT RESPONSE:

Yes. Please see the District Response to Comment 5.

8. WORKSHOP COMMENT:

What is the current percentage of vehicles in the region that are equipped with ORVR?

DISTRICT RESPONSE:

Federal ORVR requirements on new vehicles were phased in by vehicle class and model year. Consequently, the percent of ORVR penetration varies by vehicle class and model year, as follows:

Vehicle Class (Gross Vehicle Weight Rating)	Non-ORVR Vehicles	40% ORVR Penetration	80% ORVR Penetration	100% ORVR Penetration
	YEAR OF MANUFACTURE			
Light Duty Autos	≤ 1997	1998	1999	≥ 2000
Light Duty Trucks and Medium Duty Vehicles (< 5750 lbs)	≤ 2000	2001	2002	≥ 2003
Medium Duty Vehicles (5751 - 8500 lbs)	≤ 2003	2004	2005	≥ 2006
Heavy Duty (<10,000 lbs)	≤ 2003	2004	2005	≥ 2006

9. WORKSHOP COMMENT:

If a company's fleet vehicle is physically located away at its headquarters and is not going to be refueled at the company's local non-retail gas station, should the vehicle be included in the total vehicle fleet count for that local gas station? If that vehicle is owned by the company's local office, although the vehicle is physically located away at the company's headquarters, must the local office transfer vehicle ownership to its headquarters in order to exclude that vehicle from the total vehicle fleet count for the local gas station?

DISTRICT RESPONSE:

If a fleet vehicle is not going to be refueled at the company's local non-retail GDF being considered for an exemption, it should not be included in the total vehicle fleet count for that GDF. However, records should be maintained to verify that the vehicle is not being refueled at that GDF. Further, a transfer of vehicle ownership is not required.

10. WORKSHOP COMMENT:

If some fleet vehicles do not have ORVR, can these vehicles be refueled elsewhere, and thus not be included in the total vehicle fleet count for a particular non-retail GDF?

DISTRICT RESPONSE:

Yes. Please see District Responses to Comments 3 and 4.

11. WORKSHOP COMMENT:

Subsection (b)(5) requires that if a facility has at least 95% ORVR-equipped vehicle penetration and is claiming the exemption, the previously installed Phase II vapor recovery system must be removed. Is the removal of the Phase II system mandatory?

DISTRICT RESPONSE:

Yes. The Phase II system must be removed if a non-retail GDF is granted an exemption from EVR Phase II requirements. Leaving the Phase II system in place without inspecting and testing it, as would be required by Rule 61.4 or 61.4.1, may result in excess VOC emissions.

12. WORKSHOP COMMENT:

Is claiming the exemption specified in Subsection (b)(5) mandatory?

DISTRICT RESPONSE:

No. It is not mandatory for a facility to apply for this exemption. However, facilities that are not specifically exempt from Rule 61.4.1 will be required to install the EVR Phase II system by April 1, 2009 and maintain it thereafter.

13. WORKSHOP COMMENT:

Per Subsection (b)(5), a fleet has been calculated to have less than 95% ORVR penetration. In a few years, it is expected that the fleet will have at least a 95% ORVR penetration. Will the EVR Phase II system be required to be removed in the future?

DISTRICT RESPONSE:

Although proposed amended Rule 61.4.1 does not require removal of the EVR Phase II unless an exemption from that system is claimed, it is expected that by 2020, most all vehicles will be equipped with ORVR. Consequently, at that point, no EVR Phase II system will be needed, and therefore it is likely that the state Air resources Board will require that all EVR Phase II systems be removed at some point in the future. Any such requirement would be reflected in future rule amendments subject to the rule amendment process, including public review and comment.

14. WORKSHOP COMMENT:

Will the removal of the Phase II vapor recovery system trigger full compliance testing of the Phase I system?

DISTRICT RESPONSE:

No. Only a static pressure leak test will be required to check the integrity of the Phase I system.

15. WORKSHOP COMMENT:

How will the District verify that the vehicles are in fact equipped with ORVR?

DISTRICT RESPONSE:

The District will verify that the Vehicle Identification Number (VIN) and the vehicle emission control information (indicating that the vehicle is ORVR-equipped) match for each vehicle refueled at a given non-retail GDF. The District may also conduct unannounced inspections to verify the accuracy of the records being kept.

16. WORKSHOP COMMENT:

If the label with vehicle emission control information wears off, what will be used to verify that a vehicle has ORVR?

DISTRICT RESPONSE:

Should the ORVR identification label wear off, the previously supplied VIN number and other specific vehicle information — including a visual inspection under the vehicle hood, if necessary — will be used to verify that a vehicle is equipped with ORVR.

17. WORKSHOP COMMENT:

What is the time schedule for presenting the rules to the Air Pollution Control Board? Does the District expect any problems with approving the proposed rule?

DISTRICT RESPONSE:

The District intends to submit the proposed rule to the Air Pollution Control Board in early 2008. The District does not presently anticipate any problems with rule approval.

18. EPA COMMENT:

The proposed amendments to Rule 61.4 are in agreement with the EPA Guidance, "Removal of Stage II Vapor Recovery in situations where widespread use of Onboard Refueling Vapor Recovery is demonstrated", issued on December 12, 2006. EPA would support the amendments if the District demonstrates that they would not interfere with the attainment of the National Ambient Air Quality Standards, Reasonable Further Progress, conformity and other federal requirements.

DISTRICT RESPONSE:

The District will provide EPA all the required documentation as necessary to demonstrate amended Rule 61.4 will comply with federal requirements.

19. CARB COMMENT:

CARB had no comments at this time.

PROPOSED AMENDED RULE 61.4

There were no separate comments addressing proposed amended Rule 61.4. Rule 61.4 is federally mandated and requires affected facilities to install and maintain a Phase II vapor recovery system. Rule 61.4.1 implements the State's more stringent EVR requirements. Proposed exemptions from both Phase II vapor recovery and EVR Phase II are the same. Therefore, all District responses to the comments for Rule 61.4.1 also apply to Rule 61.4.

RJS:RR:NY:AD:jlm
11/28/07