



Air Pollution Control Board

San Diego County Air Pollution Control District

GOVERNING BODY

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

AGENDA ITEM

DATE: February 10, 2021

AP02

TO: Air Pollution Control Board

SUBJECT

**NOTICED PUBLIC HEARING - ADOPTION OF AMENDMENTS TO RULE 61.2 –
TRANSFER OF ORGANIC COMPOUNDS INTO MOBILE TRANSPORT TANKS
(DISTRICTS: ALL)**

OVERVIEW

The San Diego County Air Pollution Control District (District) is responsible, under federal and state law, for controlling and reducing air pollution from stationary (fixed) sources including power plants, industrial facilities, and gasoline storage, transfer and dispensing facilities. Accordingly, the District prepares, adopts, and enforces rules that set limits on the amount of air pollutants emitted from these types of sources and/or by requiring specific emission control technologies. The District submits its adopted rules to the California Air Resources Board (CARB) and to the U.S. Environmental Protection Agency (EPA) for review and approval as meeting state and federal requirements.

Today's request is for the Air Pollution Control Board (Board) to adopt proposed amendments to Rule 61.2 (Transfer of Organic Compounds into Mobile Transport Tanks). The rule, which was last updated on July 26, 2000 (AP02), requires the control and reduction of air pollutant emissions from the transfer of organic compounds such as gasoline or diesel fuel into mobile transport tanks. These operations are common at fuel storage and transfer facilities where fuels are stored in aboveground tanks, transferred into mobile transport tanks, and distributed throughout the region to gas stations or other facilities. During these fuel transfers, volatile organic vapors are displaced to the atmosphere and form ozone pollution in the air we breathe. When inhaled, ozone irritates our lungs and can trigger health problems such as chest pain, coughing and shortness of breath.

Since the rule was last updated, CARB has developed more stringent requirements for vapor recovery systems than are required by existing Rule 61.2, which is now out of date. With this, despite the outdated rule, the District has already implemented the more stringent CARB requirements via the Permits to Operate that it issues to affected facilities, as is required by federal and state law. Nevertheless, incorporating these more stringent requirements into the rule is necessary to obtain rule approval by the EPA in line with federal requirements.

In addition, in December 2020, the EPA indicated other updates to Rule 61.2 are necessary to maintain compliance with federal emission control requirements. Today's proposal, if adopted,

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provides the necessary rule updates and includes: a reduction in the minimum size of mobile transport tank that is subject to the rule; increased vapor control efficiency; a lower emission limit; and removal of a military exemption.

The proposed amendments were developed with input from the EPA, CARB, and the public. District staff conducted outreach to affected facilities and other stakeholders including conducting a public webinar. Webinar participants requested clarifications and were not opposed to the proposed rule amendments.

RECOMMENDATION(S)

AIR POLLUTION CONTROL OFFICER

1. Find that the adoption of proposed amended Rule 61.2 – Transfer of Organic Compounds into Mobile Transport Tanks is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, where the regulatory process involves procedures for protection of the environment, and pursuant to California Code of Regulations, Title 14, Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 61.2 – TRANSFER OF ORGANIC COMPOUNDS INTO MOBILE TRANSPORT TANKS, OF REGULATION IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

FISCAL IMPACT

There is no fiscal impact associated with the recommended actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

The proposed rule amendments do not impose requirements beyond state requirements that are already in effect, therefore the proposal will result in no additional costs to businesses.

The proposal increases regulatory certainty for businesses by enhancing consistency with existing state requirements and improving clarity.

ADVISORY BOARD STATEMENT

At its meeting on January 13, 2021, with a quorum present, the Air Pollution Control District Advisory Committee voted in support of staff's recommendations. No concerns with the proposal were raised to the District by Advisory Committee members.

BACKGROUND

The San Diego region does not meet the California and National Ambient Air Quality Standards for ozone pollution, and therefore is classified as an ozone nonattainment area. Both federal and state laws require the District to adopt and implement rules to further control and reduce ozone-

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forming emissions, specifically volatile organic compounds (VOC). Additionally, federal and state laws require the District to periodically update its rules to reflect advancements in air pollution control technology, and the proposed amended rule is the result of these requirements.

Existing Rule 61.2 applies to the transfer of VOC (e.g., gasoline) into mobile transport tanks having a capacity of 550 gallons or greater at fuel storage and transfer facilities where fuels are stored in aboveground tanks, transferred into mobile transport tanks, and distributed throughout the region to gas stations or private companies. The rule is also applicable to the transfer of other liquid compounds (e.g., diesel) into any mobile transport tank that previously contained gasoline or other VOC. The rule requires the use of a vapor recovery control system that controls, by at least 90%, all such transfers. The rule also specifies an emission limit that applies to large facilities with an annual fuel throughput that exceeds 5 million gallons.

In December 2020, the Environmental Protection Agency (EPA) identified deficiencies in Rule 61.2 based on more stringent requirements already in place by CARB and in certain other California air districts, and requested they be addressed. These include lowering the applicability of the rule to mobile transport tanks having a capacity of greater than 120 gallons; increasing the vapor control efficiency to 95%; lowering the emission limit that applies to large facilities; and removing a bottom loading exemption for transfers conducted by the military.

The proposed amendments align Rule 61.2 with the current, more stringent CARB requirements, and reduce VOC emissions by approximately 165 tons per year. The District has already implemented the more stringent requirements via the Permits to Operate that it issues to the affected facilities, as required by federal and state law. Therefore, these emission reductions have already been realized and no additional costs will be incurred by facilities. Nevertheless, incorporating the requirements in Rule 61.2 will enable the EPA to approve Rule 61.2 as meeting all federal requirements.

The proposed amendments to Rule 61.2 will become effective upon adoption by the Board. The amended rule would then be submitted to CARB and to the EPA for approval into the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards.

Customer/Stakeholder Notification

District staff conducted a public webinar to gather input on the proposed amended rule from affected parties. A webinar notice was posted on the District's website and sent to all 33 affected permit holders and to local chambers of commerce, members of the Air Pollution Control District Advisory Committee, subscribers to the County's email notification service, the EPA, and CARB.

The webinar was attended by 22 people, including affected industry representatives. District staff prepared responses to all comments and questions received, which were provided to the webinar participants in a Workshop Report (Attachment D). If the rule amendments are adopted, staff will conduct additional outreach including distributing an advisory notice to further inform potentially affected parties.

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SOCIOECONOMIC IMPACT ASSESSMENT

State law requires the Air Pollution Control District to perform an assessment of the socioeconomic impacts when adopting, amending, or repealing a rule that will significantly affect air quality or emission limitations. Proposed amended Rule 61.2 will establish a more stringent emission limit and/or greater control efficiency for vapor control. A Socioeconomic Impact Assessment was prepared for proposed amended Rule 61.2 (Attachment E). Adoption of proposed amended Rule 61.2 is not expected to pose any financial impacts on the affected industry sectors in the San Diego region since facilities already comply with the proposed amendments via the District Permits to Operate.

ENVIRONMENTAL STATEMENT

The California Environmental Quality Act (CEQA) requires an environmental review for certain actions. The District has conducted a review of whether CEQA applies to the adoption of the proposed amendments to Rule 61.2. The proposed rule amendments are required by federal and state law, which calls for adoption of every feasible control measure to accelerate progress toward achieving the ambient air quality standard for ozone. Proposed amended Rule 61.2 will protect the environment by promoting significant reductions in VOC emissions, but because affected facilities already comply with the proposed amendments, no changes in their operations will occur. Therefore, District staff determined that the adoption of the proposed amendments to Rule 61.2 are exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, and pursuant to Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Sustainable Environments/Thriving Initiative in the County of San Diego's 2021-2026 Strategic Plan with an objective to enhance the quality of the environment by focusing on sustainability, pollution prevention and strategic planning. The proposed amendments to Rule 61.2 will reduce air pollutant emissions and improve air quality in the San Diego region.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer



ROBERT C. REIDER
Interim Air Pollution Control Officer

ATTACHMENT(S)

Attachment A – Resolution Adopting Amendments to Rule 61.2 – Transfer of Organic Compounds into Mobile Transport Tanks, of Regulation IV of the Rules and Regulations of the San Diego County Air Pollution Control District

Attachment B – Comparative Analysis

Attachment C – Incremental Cost-Effectiveness Analysis

Attachment D – Workshop Report

Attachment E – Socioeconomic Impact Assessment

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Attachment F – Rule 61.2 – Transfer of Organic Compounds into Mobile Transport Tanks Change
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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☐ Yes ☒ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

July 26, 2000 (AP02) Adoption of amended Rule 61.2 – Transfer of Organic Compounds into
Mobile Transport Tanks

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: Air Pollution Control District

OTHER CONCURRENCE(S): None

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**RESOLUTION ADOPTING AMENDMENTS TO RULE 61.2 – TRANSFER OF
ORGANIC COMPOUNDS INTO MOBILE TRANSPORT TANKS, OF
REGULATION IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO
COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Anderson, seconded by Member Lawson-Remer, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board (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 held relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code and Section 51.102 of Title 40 of the Code of Federal Regulations; 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 Rule 61.2 is necessary in order to implement federal requirements for Reasonably Available Control Technology and state requirements for all feasible control measures to achieve the ambient air quality standards for ozone by reducing emissions of volatile organic compounds in San Diego County;
- (2) (Authority) The adoption of proposed amended Rule 61.2 is authorized by Health and Safety Code Section 40702;
- (3) (Clarity) Proposed amended Rule 61.2 can be easily understood by persons directly affected by it;
- (4) (Consistency) The adoption of proposed amended Rule 61.2 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 Rule 61.2 will not duplicate existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amended Rule 61.2 is necessary to comply with: federal law, Clean Air Action Section 182(b)(2), which requires implementation of Reasonably Available Control Technology on stationary sources

of volatile organic compound emissions; and state law, California Health and Safety Code Section 40914(b)(2), which requires adoption of every feasible control measure to reduce ozone-precursor emissions;

WHEREAS, the Board further finds pursuant to Health and Safety Code Section 40001 that adoption of proposed amended Rule 61.2 will facilitate the attainment of ambient air quality standards; and

WHEREAS, the Board further finds that an analysis comparing proposed amended Rule 61.2 with applicable requirements of federal and local regulations has been prepared pursuant to Health and Safety Code Section 40727.2; and

WHEREAS, the Board further finds that an incremental cost-effectiveness analysis pursuant to Health and Safety Code Section 40920.6(a) has been prepared for proposed amended Rule 61.2 and has been made available for public review and comment, and has been actively considered; and

WHEREAS, the Board further finds pursuant to Health and Safety Code Section 40728.5(e) that proposed amended Rule 61.2 only adopts requirements that are substantially similar to, or required by, state or federal statutes, regulations, or formal guidance documents, and as such, the socioeconomic analysis required pursuant to Health and Safety Code Section 40728.5 is not required to analyze either the impact of the adoption of proposed amended Rule 61.2 on employment and the economy of the region, or the availability and cost-effectiveness of alternatives to proposed amended Rule 61.2, and that as a result a socioeconomic analysis of the remaining factors specified in Health and Safety Code Section 40728.5(b) has been prepared.

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 61.2 is to read as follows:

**RULE 61.2. TRANSFER OF ORGANIC COMPOUNDS INTO MOBILE
TRANSPORT TANKS** (Rev. Adopted & Effective February 10, 2021)

(a) APPLICABILITY

Except as otherwise provided in Section (b) Exemptions, this rule is applicable to the transfer of any volatile organic compound (VOC) into a mobile transport tank with a capacity of greater than 120 gallons (454 liters). It is also applicable to the transfer of any liquid compound, regardless of its vapor pressure, into any mobile transport tank with a capacity of greater than 120 gallons (454 liters) where the transfer involves the displacement or results in the generation of VOC vapors.

(b) EXEMPTIONS

(1) Transfer into any mobile transport tank from any stationary tank specified in Rule 11 – Exemptions from Rule 10 Permit Requirements shall not be subject to the provisions of Section (c) Standards of this rule.

(2) The provisions of Subsection (c)(4) shall not apply to any bulk plant in operation prior to March 1, 1984, and for which the throughput does not exceed 500,000 gallons (1,892,700 liters) per year of VOC. To qualify for this exemption, the owner or operator of the bulk plant shall maintain monthly records of VOC and diesel fuel throughputs that demonstrate the applicability of the exemption. Records shall be maintained on-site for at least two years and shall be made readily available to the District upon request.

(3) The provisions of Subsection (c)(4) shall not apply during the calibration of the marker inside a cargo tank when done in accordance with the San Diego County Department of Weights and Measures test procedure.

(4) The provisions of Subsections (c)(6)(i) and (c)(8) shall not apply to any bulk plant or bulk terminal where the VOC throughput does not exceed 5,000,000 gallons (18,927,000 liters) per year. To qualify for this exemption, the owner or operator of the bulk plant shall maintain monthly records of VOC and diesel fuel throughputs that demonstrate the applicability of the exemption. Records shall be maintained on-site for at least two years and shall be made readily available to the District upon request.

(5) The provisions of this rule, except for Subsections (c)(3), (c)(7), and (c)(10), shall not apply to the transfer of VOC liquid from any United States military ship, provided that the total annual throughput for such transfers occurring in San Diego County does not exceed 21,000 gallons (79,494 liters) per year. It shall be the responsibility of any person claiming this exemption to maintain monthly records of VOC liquid transfer. The records shall be maintained on-site for at least two years and made readily available to the District upon request.

(6) This rule shall not apply to:

(i) Emergency work that the Air Pollution Control Officer determines is necessary to protect persons or property from imminent exposure to danger or damage;

(ii) VOC liquid transfers involving less than 500 gallons (1,893 liters) from one compartment to another within the same mobile transport tank; and

(iii) VOC liquid transfers to any mobile transport tank from any disabled mobile transport tank which cannot be driven for the purpose of facilitating the hauling of the disabled vehicle to a repair facility.

(c) STANDARDS

(1) No person shall transfer or allow the transfer of VOC from any stationary storage tank into any mobile transport tank unless a California Air Resources Board (CARB) certified vapor recovery system is permanently installed and used, which prevents 95% by weight of the hydrocarbon vapors resulting from the transfer, including any venting losses associated with the transfer, from being released to the atmosphere.

(2) There shall be no fugitive vapor leaks along the vapor transfer path. For purposes of this rule the vapor transfer path is that combination of piping, hoses, valves, fittings, storage tanks, saturator tanks, vapor processor, and other devices through which hydrocarbon vapors are transferred, stored, or processed to meet the requirements of this rule. The vapor transfer path shall include the interface between a mobile transport tank and the stationary storage tank facility vapor control fittings. The vapor transfer path shall not include any mobile transport tank, vapor control processor exhaust, or designated vapor control system vent from which the vapor-air mixtures are released after passing through a vapor processor.

There shall be no fugitive vapor leaks from any pressure/vacuum relief valve unless the vapors have passed through a vapor processor, except at bulk plants where a vapor processor is not required by this rule.

(3) No person shall transfer or allow the transfer of VOC into any mobile transport tank as described above when there are any fugitive liquid leaks along the liquid path including the transport tank and associated fittings through which the VOC are being transferred. There shall be no spillage upon disconnect at the loading head-transport tank interface except for spillage which would normally occur when the equipment is handled in a manner designed to minimize spillage. Equipment used to transfer fuel shall be free of defects and properly maintained in a manner designed to minimize spillage.

(4) No person shall transfer or allow the transfer of compounds not subject to the requirements of this rule into any mobile transport tank which was transporting VOC or VOC vapor prior to said transfer unless a CARB certified vapor recovery system is permanently installed and used, which prevents 95% by weight of the hydrocarbon vapors resulting from the transfer, including any venting losses associated with the transfer, from being released to the atmosphere.

(5) No person shall displace or allow the displacement of vapors of compounds not subject to the requirements of this rule into a saturator using a VOC unless a CARB certified vapor recovery system is permanently installed and used, which prevents 95% by weight of all organic compound vapors resulting from transfers into mobile transports at the facility, from being released to the atmosphere. This includes any venting losses associated with such transfer.

(6) No person shall transfer or allow the transfer of any liquid into any mobile transport tank if the transfer displaces VOC, unless:

(i) A CARB certified vapor recovery system is properly connected and used. Such systems shall not emit into the atmosphere more than 0.08 lbs of non-methane organic compounds per 1,000 gallons (9.6 milligrams of non-methane organic compounds per liter) of VOC loaded, and

(ii) The pressure does not exceed 18 inches of water gauge and the vacuum does not exceed six inches of water gauge in the mobile transport tank vapor space or the vapor space of any of its compartments during the transfer.

(7) The hydrocarbon vapor concentration measured at a distance of 1/2 inch (1.3 cm) or more from the bladder in any bladder tank shall not exceed 500 parts per million by volume (ppmv) measured as propane or 1,375 ppmv measured as methane.

(8) Every product line at each loading rack connected to the vapor recovery system shall be equipped with a dual automatic shutoff overfill prevention system. Each system shall consist of:

(i) A fill meter with automatic flow shutoff at a preset fill quantity; and

(ii) A transport tank compartment high liquid level thermistor or optic sensor-activated automatic loading shutdown system; or

(iii) A float switch type liquid level sensor overfill prevention system, if a loading rack is not compatible with (ii) above.

In lieu of (i), and (ii) or (iii) above, each loading rack shall be equipped with a combination of overfill devices and/or procedures, approved in writing by the Air Pollution Control Officer, that is at least as effective in preventing overfill spillage as the sum of (i), and (ii) or (iii) above.

Each loading rack shutdown system shall, upon overfill sensor activation, automatically stop all liquid transfer to the transport tank(s) being loaded. The system shall be designed so that after sensor activation the additional liquid quantity transferred (meter overrun) shall not exceed 3.0% of the full-level volume of the tank compartment being loaded.

(9) No person shall transfer or allow the transfer of VOC from any mobile transport tank into any other mobile transport tank, unless:

(i) 95% by weight of the hydrocarbon vapors resulting from the transfer, including any venting losses associated with the transfer, are prevented from being released to the atmosphere, and

(ii) 95% by weight of the hydrocarbon vapors generated by daily cycles of heating and cooling in the mobile transport tank from which the VOC are transferred are prevented from being released to the atmosphere. This emission limit applies only when the mobile transport is stationary.

(10) No person shall transfer or allow the transfer of VOC into any mobile transport tank unless the liquid transferred enters within six inches of the bottom of the mobile transport tank or compartment.

(11) A maintenance program, designed to ensure that the vapor collection and/or vapor recovery/disposal systems are in continuous compliance with the provisions of this rule, shall be submitted to the Air Pollution Control Officer by the equipment owner within 45 days of a request. The owner shall adhere to the maintenance plan as approved by the Air Pollution Control Officer.

(12) No person shall install a Phase I vapor recovery system unless it is certified by the CARB, pursuant to Section 41954 of the California Health and Safety Code.

(d) TEST METHODS

When more than one test method or set of test methods are specified in this Section, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

Testing shall be performed in accordance with the following:

(1) Mobile transport tanks shall be certified and tested annually using ARB Certification Procedure CP-204 - Certification Procedure for Vapor Recovery Systems of Cargo Tanks and ARB Test Method TP-204.1 - Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks. Ongoing testing shall be performed using either ARB Test Method TP-204.1, or ARB Test Method TP-204.2 - Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks, or the most recent applicable test methods, test procedures, and certification procedures approved by CARB.

(2) Vapor control systems at bulk plants and bulk terminals shall be tested using the ARB Test Methods TP-202.1 - Determination of Emission Factor of Vapor Recovery Systems of Bulk Plants and TP-203.1 - Determination of Emission Factor of Vapor Recovery Systems of Terminals, respectively, or the most recent applicable test methods approved by CARB.

(3) Fugitive leaks shall be tested using either EPA Method 21 - Determination of Volatile Organic Leaks or ARB Test Method TP-204.3 - Determination of Leak(s), or the most recent applicable test methods approved by CARB.

(4) Any other test procedure approved by EPA and CARB for determining the performance of systems used to control VOC emissions from the transfer of organic compounds into mobile transport tanks may be used.

All test procedures shall be performed in accordance with a protocol approved in writing by the Air Pollution Control Officer.

IT IS FURTHER RESOLVED AND ORDERED that proposed amended Rule 61.2 of Regulation IV shall take effect on February 10, 2021.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: Paula Forbis, Senior Deputy

The foregoing Resolution was passed and adopted by the Air Pollution Control District, County of San Diego, State of California, on this 10th day of February, 2021, by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

- - -

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 San Diego County Air Pollution Control Board.

ANDREW POTTER
Clerk of the Air Pollution Control Board

By: C. Rodriguez
Chrystal Rodriguez, Deputy



Resolution No. 21-019
Meeting Date: 02/10/2021 (AP2)

COMPARATIVE ANALYSIS

**PROPOSED AMENDED RULE 61.2 – TRANSFER OF
ORGANIC COMPOUNDS INTO MOBILE TRANSPORT TANKS**

Statutory Requirements

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein. As part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other Air Pollution Control District (District) or federal regulations, Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed amended Rule 61.2 with existing or proposed District rules and guidelines and existing federal rules, requirements, and guidelines applying to the same source category.

Analysis

Proposed amended Rule 61.2 applies to the transfer of organic compounds (e.g., gasoline and diesel) into mobile transport tanks at bulk plants, bulk terminals and intermediate refuelers. The proposed amended rule will align with the updated Reasonably Available Control Technology (RACT) requirements per the U.S. Environmental Protection Agency (EPA). The proposal will not significantly affect existing bulk plants, bulk terminal and intermediate refueler operations because these facilities currently comply with the proposed amendments.

In addition, District New Source Review (NSR) Rule 20.2 – Non-Major Stationary Sources, applies to any new or modified operation that would be subject to proposed amended Rule 61.2. Rule 20.2 requires any non-major new or modified emission unit that has a post-project potential to emit of 10 pounds per day or more of volatile organic compounds to be equipped with Best Available Control Technology (BACT). For the transfer of organic compounds into mobile transport tanks, BACT is identified as the use of a California Air Resources Board (CARB) certified add-on emission control system. Since proposed amended Rule 61.2 contains increased control efficiency, a lower emission limit than the existing rule, and the use of CARB certified emission control equipment, the proposed amendments will represent the new BACT requirements.

Conclusion

There are no conflicts or contradictions between proposed amended Rule 61.2 and BACT requirements.

INCREMENTAL COST-EFFECTIVENESS ANALYSIS

PROPOSED NEW RULE 61.2 – TRANSFER OF ORGANIC COMPOUNDS INTO MOBILE TRANSPORT TANKS

Health and Safety Code Section 40920.6(a) requires air districts to identify one or more potential control options that achieve at least the same benefit as the proposed rule, assess the cost-effectiveness of those options, and calculate the incremental cost-effectiveness of each identified option. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options achieving the same emission reduction goal.

Rule 61.2 is being proposed for amendment to align with the Reasonably Available Control Technology (RACT) requirements, which include lower applicability threshold for mobile transport tanks, increased vapor control efficiency, lower emission limit, and removal of a military exemption. Similar requirements are currently being implemented in other air districts in California, and affected facilities currently comply with the proposed amendments.

Potential control options providing equivalent emission reductions from transfers of organic compounds into mobile transport tank operations include the use of add-on emission control equipment. Large throughput facilities (>5 million gallons of VOC per year) install vapor processors to reduce their tank farm emissions and the emissions from the transfer operations into mobile transport tanks. This control equipment is very costly (greater than \$500,000 capital cost), requires additional staff, and periodic maintenance and testing to ensure proper operation. Due to the high costs to install and operate vapor processors, the incremental cost-effectiveness value for this control option would not be feasible, and consequently is not included in this proposal.

Since facilities currently comply with the proposed amendments, no additional costs will be incurred.

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

**DRAFT PROPOSED AMENDMENTS TO
RULE 61.2 – TRANSFER OF ORGANIC COMPOUNDS
INTO MOBILE TRANSPORT TANKS**

WORKSHOP REPORT

The San Diego County Air Pollution Control District (District) held a public webinar on November 19, 2020, to discuss and receive input on the draft proposed amendments to Rule 61.2 – Transfer of Organic Compounds into Mobile Transport Tanks. A meeting notice was mailed to each permit holder that may be subject to the rule and chamber of commerce in the region, as well as the U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB). Additionally, a meeting notice was posted on the District’s website and distributed to interested parties including through the County of San Diego’s electronic mail service.

The workshop was attended by 22 people. A summary of the comments and District responses are provided below:

1. WORKSHOP COMMENT

Does the rule also apply to the transfer of diesel into mobile transport tanks?

DISTRICT RESPONSE

The rule would apply to the transfer of diesel if diesel is transferred into a mobile transport tank that previously held gasoline or other VOC-containing fuel (a practice known as switch loading) potentially displacing or generating VOC vapors.

2. WORKSHOP COMMENT

What type of fuels are classified as VOC and therefore subject to the rule?

DISTRICT RESPONSE

Gasoline and/or ethanol fuel are the main types of fuels subject to this rule. Additionally, any fuel that meets the definition of “VOC” as defined in Rule 61.0 – Definitions Pertaining to the Storage and Handling of Organic Compounds would be subject to the rule.

3. WORKSHOP COMMENT

What types of permitted facilities may be subject to Rule 61.2?

DISTRICT RESPONSE

Examples of permitted facilities that may be subject to this rule include: a) private companies and military installations that load gasoline and/or ethanol into intermediate refuelers to provide fuel to on-site equipment; and b) bulk plant and bulk terminals that load gasoline and/or ethanol into mobile transport tanks for distribution to other facilities or gas stations throughout the county.

4. WORKSHOP COMMENT

The proposed amendments to Rule 61.2 lower the applicability of the rule to mobile transport tanks having a capacity of greater than 120 gallons. Does the 120-gallon capacity threshold also apply to the stationary storage tanks?

DISTRICT RESPONSE

The proposed 120-gallon capacity threshold applies only to the capacity of the mobile transport tanks.

5. WORKSHOP COMMENT

How did the District determine the proposed emission limit of 0.08 pounds of non-methane organic compounds (NMOC) per 1,000 gallons of VOC loaded specified in Subsection (c)(6)(i)?

DISTRICT RESPONSE

As described in EPA Comment No. 11 below, EPA determined, based on the limits specified in analogous rules in other California air districts, that the emission limit of 0.08 pounds of NMOC per 1,000 gallons is feasible and should be included in the rule.

6. WORKSHOP COMMENT

How did the District determine the requirement for the 95% control efficiency specified in Subsection (c)(9)(i)? Is splash loading allowed?

DISTRICT RESPONSE

The proposed 95% control efficiency specified in Subsection (c)(9)(i) is consistent with the control efficiency found in analogous rules in other California air districts. Splash loading is not allowed since existing Subsection (c)(10) requires that all VOC transfers into mobile transport tanks be done by submerged loading.

7. WORKSHOP COMMENT

How would compliance with the proposed 95% control efficiency specified in Subsections (c)(9)(i) and (c)(9)(ii) be verified?

DISTRICT RESPONSE

Compliance would be determined by verifying that there is a CARB-certified vapor recovery system (certified to control 95% of vapors) installed at the bulk plants or bulk terminals, and that there is a CARB-certified vapor recovery system installed on the mobile transport tank. The control efficiency will not be separately measured or calculated.

8. CARB COMMENT

CARB has no official comments at this time.

9. EPA COMMENT

The District should remove the exemption from the bottom loading requirements for transfers conducted by the military specified in Subsection (b)(5).

DISTRICT RESPONSE

The District agrees and has proposed deleting the military's exemption from the bottom loading requirements as recommended.

10. EPA COMMENT

The District should lower the existing 550-gallon applicability threshold for mobile transport tanks.

DISTRICT RESPONSE

The District agrees and has proposed lowering the applicability for mobile transport tanks to greater than 120 gallons as recommended, consistent with the definition of "Cargo Tank" as specified in the California Vehicle Code Section 34003.

11. EPA COMMENT

The District should lower the emission factor specified in Subsection (c)(6)(i) to 0.08 pounds of NMOC per 1,000 gallons of VOC loaded to be consistent with analogous rules of other California air districts.

DISTRICT RESPONSE

The District agrees and has proposed lowering the emission factor as recommended.

AMF:jl
11/25/20

SOCIOECONOMIC IMPACT ASSESSMENT

**PROPOSED AMENDED RULE 61.2 –
TRANSFER OF ORGANIC COMPOUNDS
INTO MOBILE TRANSPORT TANKS**

December 2020

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**SOCIOECONOMIC IMPACT ASSESSMENT
PROPOSED AMENDED RULE 61.2 –
TRANSFER OF ORGANIC COMPOUNDS INTO MOBILE TRANSPORT TANKS**

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EXECUTIVE SUMMARY

The San Diego County Air Pollution Control District (District) is required by federal and State law to adopt and periodically update rules to control and reduce ozone-forming emissions from stationary sources in the San Diego region, which is an ozone nonattainment area. The District's proposed amended Rule 61.2 – Transfer of Organic Compounds into Mobile Transport Tanks is the result of these federal and State requirements.

Additionally, when adopting, amending, or repealing a rule that will significantly affect air quality or emissions limitations, the District is required by State law to assess the socioeconomic impacts. Proposed amended Rule 61.2 will affect emissions limitations by establishing more stringent emissions standards for the transfer of organic compounds (e.g., gasoline and diesel) into mobile transport tanks. Accordingly, this Socioeconomic Impact Assessment (SIA) has been prepared pursuant to State law.

Current Rule 61.2, last revised in 2000, controls volatile organic compound (VOC) emissions from the transfer of organic compounds into mobile transport tanks. The rule was adopted, and subsequently approved by the U.S. Environmental Protection Agency (EPA) into the State Implementation Plan (SIP).

In June 2020, the EPA issued a technical support document identifying deficiencies in Rule 61.2 that require correction to assure federal approval of the rule. Rule 61.2 is being proposed for amendment to address these deficiencies, which include lower applicability threshold for mobile transport tanks, increased vapor control efficiency, lower emission limit, and removal of a military exemption.

Overall, the proposed amended rule is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. Facilities involved in the transfer of organic compounds into mobile transport tanks currently comply with the proposed amendments.

Proposed amended Rule 61.2 will reduce VOC emissions by approximately 165 tons per year. Since facilities already comply with the proposed amendments, these emission reductions have already been realized and no additional costs will be incurred by facilities.

I. INTRODUCTION

California law requires air pollution control districts (with populations of 500,000 people or higher) to perform an SIA when adopting, amending, or repealing rules and regulations that will significantly affect air quality and emission limitations.

The Health and Safety Code Section 40728.5, subdivision (b), specifies the following elements to be included in the SIA:

1. The type of industry or business, including small business, affected by the rule or regulation.
2. The impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation.
3. The range of probable costs to industry or business, including small business, of the rule or regulation.
4. The availability and cost-effectiveness of alternatives to the rule or regulation.
5. The emission reduction potential of the rule or regulation.
6. The necessity of adopting, amending, or repealing the rule or regulation in order to attain state and federal ambient air quality standards.

Pursuant to Health and Safety Code Section 40728.5(e), the analyses specified in 2. and 4. above are not required if the proposed rule is substantially similar to or required by a State or federal law, regulation, or formal guidance document, including federal Control Techniques Guidelines. The District is proposing an increase in volatile organic compound (VOC) controls and/or lowering of the emission factor that are considered Reasonably Available Control Technology (RACT) requirements. Therefore, based on the Health and Safety Code stipulation, this SIA does not address either the availability or cost-effectiveness of the alternatives to proposed amended Rule 61.2, or its impact on the employment and the economy of San Diego County.

II. NECESSITY OF PROPOSED AMENDED RULE 61.2

The San Diego County Air Basin does not attain the National and State Ambient Air Quality Standards for ozone. Both federal and State laws require the District to implement rules that control emissions of ozone precursors – VOCs and oxides of nitrogen. Similarly, the California Clean Air Act requires the District to adopt all feasible measures to control and reduce ozone precursor emissions from stationary sources.

Existing Rule 61.2 applies to the transfer of VOC into mobile transport tanks having a capacity of 550 gallons or greater at three types of facilities: bulk terminals, bulk plants, and intermediate refuelers. The rule is also applicable to transferring other liquid compounds into any mobile transport tank that previously contained gasoline. The rule requires the use of a vapor recovery control system that controls, by at least 90%, all such transfers. The rule also specifies an emission

limit of 0.29 pounds of non-methane organic compounds (NMOC) per 1,000 gallons of VOC loaded for facilities with an annual VOC throughput that exceeds 5,000,000 gallons per year.

In 2016, the District submitted the 2008 Eight-Hour Ozone RACT Demonstration for San Diego County, stating that Rule 61.2 met RACT. However, the U.S. Environmental Protection Agency (EPA) identified minor deficiencies in Rule 61.2 and requested that the deficiencies be addressed.

In June 2020, the EPA issued a technical support document for the District's Reasonably Available Control Technology (RACT) Demonstration for the SIP,¹ which identified deficiencies in Rule 61.2 that require correction to assure federal approval of the rule. Rule 61.2 is being proposed for amendment to align with the RACT requirements, which include lower applicability threshold for mobile transport tanks, increased vapor control efficiency, lower emission limit, and removal of a military exemption.

Adopting proposed amended Rule 61.2 will incorporate the updated RACT requirements; provide the District with the opportunity to further control VOC emissions from organic compound transfer operations into mobile transport tanks; result in VOC emission reductions; and address minor deficiencies identified by the EPA. This action will also result in the improvement in air quality in San Diego County and expedite the attainment of the National and State Ambient Air Quality Standards for ozone.

III. SUMMARY OF PROPOSED AMENDED RULE 61.2

In summary, proposed amended Rule 61.2 will:

- Lower the applicability of the rule to mobile transport tanks having a capacity of greater than 120 gallons.
- Remove a limited bottom loading exemption for transfers conducted by the military.
- Require vapor recovery equipment control of at least 95% certified by the California Air Resources Board (CARB).
- Lower the emissions limit to 0.08 pounds of NMOC per 1,000 gallons of VOC loaded.
- Update test methods section.

IV. TYPE OF INDUSTRIES AFFECTED BY THE PROPOSED AMENDED RULE

Proposed amendments to Rule 61.2 applies to the transfer of organic compounds (e.g., gasoline and diesel) into mobile transport tanks at bulk plants, bulk terminals and intermediate refuelers. There are approximately 34 facilities with organic compound transfer operations that are permitted with the District. The military sites have verified that they no longer need the exemption from bottom loading, which is consequently proposed for removal from the rule. The three facilities with annual VOC throughputs exceeding 5,000,000 gallons are currently equipped with vapor

¹ EPA's Technical Support Document, 2008 Eight-Hour RACT Demonstration for San Diego County, Final – December 2016, Docket number EPA-R09-OAR-2020-0136, June 2020.

processors on their operations with source test verified emission factors below the proposed 0.08 pounds NMOC per 1,000 gallons of VOC loaded.

V. RANGE OF PROBABLE COSTS TO INDUSTRY INCLUDING SMALL BUSINESS

The proposed amended rule is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. The proposal will not significantly affect existing bulk plants, bulk terminal and intermediate refueler operations because these facilities currently comply with the proposed amendments. Therefore, there are no costs to facilities associated with implementing the requirements of the proposed amended rule.

VI. EMISSION REDUCTION POTENTIAL AND COST-EFFECTIVENESS OF THE PROPOSED AMENDED RULE

The VOC emission reductions of proposed amended Rule 61.2 were determined using the emission factors listed in AP-42 – Compilation of Air Emission Factors, Chapter 5.2; the proposed emission factor of 0.08 pounds per 1,000 gallons of VOC loaded; and the annual VOC throughput obtained from the Permits to Operate, inspection reports, source test data, or information provided by the affected facilities. The overall emission reductions for the proposed amended rule are estimated to be 165 tons of VOC per year.

Since facilities currently comply with the proposed amendments, there are no costs associated with the reduction in VOC emissions.

VII. CONCLUSION

Overall, proposed amended Rule 61.2 is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. Businesses involved in the transfer of organic compounds into mobile transport tanks currently comply with the proposed amendments.

The proposed amended rule will provide air quality benefits by reducing emissions of VOCs that are precursors of ground level ozone, a major component of photochemical smog.

**RULE 61.2. TRANSFER OF ORGANIC COMPOUNDS INTO MOBILE
TRANSPORT TANKS** (~~Rev. Effect. 7/26/00~~ Rev. Adopted &
Effective (date of adoption))

(a) APPLICABILITY

Except as otherwise provided in Section (b) Exemptions, this rule is applicable to the transfer of any volatile organic compound (VOC) into a mobile transport tank with a capacity of greater than 550-120 gallons (2,082-454 liters) ~~or greater~~. It is also applicable to the transfer of any liquid compound, regardless of its vapor pressure, into any mobile transport tank with a capacity of greater than 550-120 gallons (2,082-454 liters) ~~or greater~~ where the transfer involves the displacement or results in the generation of VOC vapors.

(b) EXEMPTIONS

(1) Transfer into any mobile transport tank from any stationary tank specified in Rule 11 – Exemptions from Rule 10 Permit Requirements shall not be subject to the provisions of Section (c) Standards of this rule.

(2) The provisions of Subsection (c)(4) shall not apply to any bulk plant in operation prior to March 1, 1984, and for which the throughput does not exceed 500,000 gallons (1,892,700 liters) per year of VOC. To qualify for this exemption, the owner or operator of the bulk plant shall maintain monthly records of VOC and diesel fuel throughputs that demonstrate the applicability of the exemption. Records shall be maintained on-site for at least two years and shall be made readily available to the District upon request.

(3) The provisions of Subsection (c)(4) shall not apply during the calibration of the marker inside a cargo tank when done in accordance with the San Diego County Department of Weights and Measures test procedure.

(4) The provisions of Subsections (c)(6)(i) and (c)(8) shall not apply to any bulk plant or bulk terminal where the VOC throughput does not exceed 5,000,000 gallons (18,927,000 liters) per year. To qualify for this exemption, the owner or operator of the bulk plant shall maintain monthly records of VOC and diesel fuel throughputs that demonstrate the applicability of the exemption. Records shall be maintained on-site for at least two years and shall be made readily available to the District upon request.

~~(5) The provisions of Subsection (c)(10) shall not apply to any bulk plant or bulk terminal owned by any branch of the United States Armed Forces.~~

~~(6)~~ (5) The provisions of this rule, except for Subsections (c)(3), (c)(7), and (c)(10), shall not apply to the transfer of VOC liquid from any United States military ship, provided that the total annual throughput for such transfers occurring in San Diego County does not exceed 21,000 gallons (79,494 liters) per year. It shall be the responsibility of any person claiming this exemption to maintain monthly records of

VOC liquid transfer. The records shall be maintained on-site for at least two years and made readily available to the District upon request.

(76) This rule shall not apply to:

(i) Emergency work that the Air Pollution Control Officer determines is necessary to protect persons or property from imminent exposure to danger or damage;

(ii) VOC liquid transfers involving less than 500 gallons (1,893 liters) from one compartment to another within the same mobile transport tank; and

(iii) VOC liquid transfers to any mobile transport tank from any disabled mobile transport tank which cannot be driven for the purpose of facilitating the hauling of the disabled vehicle to a repair facility.

(c) STANDARDS

(1) No person shall transfer or allow the transfer of VOC from any stationary storage tank into any mobile transport tank, ~~each with a capacity of more than 550 gallons (2,082 liters);~~ unless 90 percent by weight a California Air Resources Board (CARB) certified vapor recovery system is permanently installed and used, which prevents 95% by weight of the hydrocarbon vapors resulting from the transfer, including any venting losses associated with the transfer, ~~are prevented~~ from being released to the atmosphere.

(2) There shall be no fugitive vapor leaks along the vapor transfer path. For purposes of this rule the vapor transfer path is that combination of piping, hoses, valves, fittings, storage tanks, saturator tanks, vapor processor, and other devices through which hydrocarbon vapors are transferred, stored, or processed to meet the requirements of this rule. The vapor transfer path shall include the interface between a mobile transport tank ~~having a capacity greater than 550 gallons (2,082 liters)~~ and the stationary storage tank facility vapor control fittings. The vapor transfer path shall not include any mobile transport tank, vapor control processor exhaust, or designated vapor control system vent from which the vapor-air mixtures are released after passing through a vapor processor.

There shall be no fugitive vapor leaks from any pressure/vacuum relief valve unless the vapors have passed through a vapor processor, except at bulk plants where a vapor processor is not required by this rule.

(3) No person shall transfer or allow the transfer of VOC into any mobile transport tank as described above when there are any fugitive liquid leaks along the liquid path including the transport tank and associated fittings through which the VOC are being transferred. There shall be no spillage upon disconnect at the loading head-transport tank interface except for spillage which would normally occur when the equipment is handled in a manner designed to minimize spillage. Equipment used to transfer fuel shall be free of defects and properly maintained in a manner designed to minimize spillage.

(4) No person shall transfer or allow the transfer of compounds not subject to the requirements of this rule into any mobile transport tank, ~~having a capacity of more than 550 gallons (2,082 liters)~~ which was transporting VOC or VOC vapor prior to said transfer unless at least 90 percent by weight a CARB certified vapor recovery system is permanently installed and used, which prevents 95% by weight of the hydrocarbon vapors resulting from the transfer, including any venting losses associated with the transfer, ~~are prevented~~ from being released to the atmosphere.

(5) No person shall displace or allow the displacement of vapors of compounds not subject to the requirements of this rule into a saturator using a VOC unless at least 90 percent by weight a CARB certified vapor recovery system is permanently installed and used, which prevents 95% by weight of all organic compound vapors resulting from transfers into mobile transports at the facility, ~~are prevented~~ from being released to the atmosphere. This includes any venting losses associated with such transfer.

(6) No person shall transfer or allow the transfer of any liquid into any mobile transport tank ~~having a capacity of more than 550 gallons (2,082 liters)~~ if the transfer displaces VOC, unless:

(i) ~~The displaced vapors are vented to a vapor recovery or disposal unit where the emissions from the unit into the atmosphere do not exceed 0.29 lbs of non-methane organic compounds per 1,000 gallons (35 milligrams of non-methane organic compounds per liter) of the liquid that displaces the VOC vapor-air mixtures.~~ A CARB certified vapor recovery system is properly connected and used. Such systems shall not emit into the atmosphere more than 0.08 lbs of non-methane organic compounds per 1,000 gallons (9.6 milligrams of non-methane organic compounds per liter) of VOC loaded, and

(ii) The pressure does not exceed 18 inches of water gauge and the vacuum does not exceed six inches of water gauge in the mobile transport tank vapor space or the vapor space of any of its compartments during the transfer.

(7) The hydrocarbon vapor concentration measured at a distance of 1/2 inch (1.3 cm) or more from the bladder in any bladder tank shall not exceed 500 parts per million by volume (ppmv) measured as propane or 1,375 ppmv measured as methane.

(8) Every product line at each loading rack connected to the vapor recovery system shall be equipped with a dual automatic shutoff overfill prevention system. Each system shall consist of:

(i) A fill meter with automatic flow shutoff at a preset fill quantity; and

(ii) A transport tank compartment high liquid level thermistor or optic sensor-activated automatic loading shutdown system; or

(iii) A float switch type liquid level sensor overfill prevention system, if a loading rack is not compatible with (ii) above.

In lieu of (i), and (ii) or (iii) above, each loading rack shall be equipped with a combination of overfill devices and/or procedures, approved in writing by the Air Pollution Control Officer, that is at least as effective in preventing overfill spillage as the sum of (i), and (ii) or (iii) above.

Each loading rack shutdown system shall, upon overfill sensor activation, automatically stop all liquid transfer to the transport tank(s) being loaded. The system shall be designed so that after sensor activation the additional liquid quantity transferred (meter overrun) shall not exceed 3.0% of the full-level volume of the tank compartment being loaded.

(9) No person shall transfer or allow the transfer of VOC from any mobile transport tank into any other mobile transport tank, ~~each with a capacity of more than 550 gallons (2,082 liters)~~, unless:

(i) ~~90 percent~~ 95% by weight of the hydrocarbon vapors resulting from the transfer, including any venting losses associated with the transfer, are prevented from being released to the atmosphere, and

(ii) ~~90 percent~~ 95% by weight of the hydrocarbon vapors generated by daily cycles of heating and cooling in the mobile transport tank from which the VOC are transferred are prevented from being released to the atmosphere. This emission limit applies only when the mobile transport is stationary.

(10) No person shall transfer or allow the transfer of VOC into any mobile transport tank unless the liquid transferred enters within six inches of the bottom of the mobile transport tank or compartment.

(11) A maintenance program, designed to ensure that the vapor collection and/or vapor recovery/disposal systems are in continuous compliance with the provisions of this rule, shall be submitted to the Air Pollution Control Officer by the equipment owner within 45 days of a request. The owner shall adhere to the maintenance plan as approved by the Air Pollution Control Officer.

(12) No person shall install a Phase I vapor recovery system unless it is certified by the ~~State of California Air Resources Board (CARB)~~, pursuant to Section 41954 of the California Health and Safety Code.

(d) TEST METHODS

When more than one test method or set of test methods are specified in this Section, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

Testing shall be performed in accordance with the following:

(1) Mobile transport tanks shall be certified and tested annually using ARB Certification Procedure CP-204 - Certification Procedure for Vapor Recovery Systems of Cargo Tanks (~~CP-204~~) and ARB Test Method TP-204.1 - Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks. Ongoing testing shall be performed using either ARB Test Method TP-204.1, or ARB Test Method TP-204.2 - Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks ~~as approved by Environmental Protection Agency (EPA), or the most recent applicable test methods, test procedures, and certification procedures approved by CARB.~~

(2) Vapor control systems at bulk plants and bulk terminals shall be tested using the ARB Test Methods TP-202.1 - Determination of Emission Factor of Vapor Recovery Systems of Bulk Plants and TP-203.1 - Determination of Emission Factor of Vapor Recovery Systems of Terminals, respectively, ~~as they exist on July 26, 2020 or the most recent applicable test methods approved by CARB.~~

(3) Fugitive leaks shall be tested using either EPA Method 21 - Determination of Volatile Organic Leaks or ARB Test Method TP-204.3 - Determination of Leak(s), ~~as they exist on July 26, 2000 or the most recent applicable test methods approved by CARB.~~

(4) Any other test procedure approved by EPA and CARB for determining the performance of systems used to control VOC emissions from the transfer of organic compounds into mobile transport tanks may be used.

All test procedures shall be performed in accordance with a protocol approved in writing by the Air Pollution Control Officer.