

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)