

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-14-009

Relating to the Resubmittal Package to the Office of Administrative Law for Amendments to the Certification and Test Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities and Cargo Tanks Regulation

WHEREAS, on July 25, 2013, the Air Resources Board (ARB or Board) conducted a public hearing to consider for approval the proposed amendments to the Certification and Test Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities (GDFs) and Cargo Tanks, as set forth in the Initial Statement of Reasons released to the public on June 5, 2013;

WHEREAS, following the public hearing, the Board adopted Resolution 13-32, in which the Board approved for adoption amendments to sections 94011, 94014, and 94016, title 17, California Code of Regulations (CCR), and the incorporated certification and test procedures, as set forth in Attachments A and B of that resolution;

WHEREAS, Resolution 13-32 directed the Executive Officer to determine if additional conforming modifications to the regulation and additional supporting documents and information were appropriate, and to take final action to adopt the modified regulation after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15 days. The Executive Officer was directed to consider any written comments submitted during the public review period, and to make additional modifications as may be appropriate in light of the comments received, or return the regulatory amendments to the Board for further consideration if warranted;

WHEREAS, on March 3, 2014, the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of the California Code of Regulations, title 1, section 44;

WHEREAS, two written comments were received during the initial 45-day comment period and no comments were received during the supplemental 15-day comment period, and those comments have been considered by the Executive Officer;

WHEREAS, the Executive Officer adopted the Certification and Test Procedures for Vapor Recovery Systems at GDFs and Cargo regulation by Executive Order R-14-003, dated May 27, 2014, and submitted the rulemaking package to the Office of Administrative Law for review in accordance with the California Administrative Procedure Act (APA);

WHEREAS, on July 15, 2014, the Office of Administrative Law issued a Decision of Disapproval of Regulatory Action;

WHEREAS, modifications were made to certain incorporated certification and test procedures in order to correct the deficiencies specified in the July 15, 2014 Decision of Disapproval by the Office of Administrative Law;

WHEREAS, the modifications were made available for a second 15-day comment period starting September 16, 2014, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, no comments were received during the second 15-day comment period; and

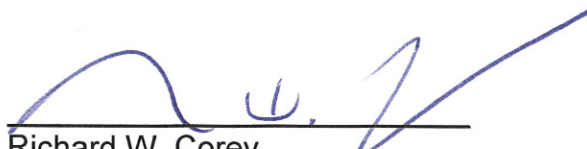
WHEREAS, based on substantial evidence in the record there is no possibility that the modifications to the regulation made available for 15 day public comment periods after the Board hearing could affect the conclusion of the environmental analysis included in the Staff Report, so no additional environmental analysis was required and no additional comments raising significant environmental issues were received.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 13-32 and Executive Order R-14-003 are incorporated by reference herein.

IT IS FURTHER ORDERED that sections 94014 and 94016, title 17, California Code of Regulations, as set forth in Attachment 1 to this order, CP-204 – “Vapor Recovery Certification Procedure,” as set forth in Attachment 2 to this order, TP-204.1 – “Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks,” as set forth in Attachment 3 to this order, TP-204.3, “Determination of Leak(s),” as set forth in Attachment 4 to this order, and TP-206.4 – “Volumetric Efficiency of Phase I Vapor Recovery Systems for Aboveground Storage Tanks,” as set forth in Attachment 5 to this order, are adopted.

IT IS FURTHER ORDERED that the adopted regulatory text and incorporated certification and test procedures may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 7th day of November 2014, at Sacramento, California.


Richard W. Corey
Executive Officer

Attachments