

REQUEST FOR AN EARLY EFFECTIVE DATE
Amendments to the Regulation for the
Certification of Vapor Recovery Systems for Cargo Tanks

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Pursuant to Government Code Section 11343.4(b)

The California Air Resources Board (CARB or Board) formally requests, under Government Code section 11343.4(b), that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Proposed Amendments to the Regulation for the Certification of Vapor Recovery Systems for Cargo Tanks, title 17, California Code of Regulations, section 94014. Specifically, CARB requests that the amendments become effective upon filing with the Secretary of State. The Board approved the adoption of these amendments at its hearing on April 25, 2019 (Resolution 19-9). The following demonstrates good cause for OAL to allow the amendments to be effective on the date requested.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, the Board considered and adopted amendments to the Regulation for the Certification of Vapor Recovery Systems for Cargo Tanks. The Cargo Tank Vapor Recovery Program certifies that cargo tanks operated in California meet certain emission standards; cargo tank owners/operators are assessed an annual certification fee that, by statute, funds the certification program. The proposed amendments would establish a fee charged for annual cargo tank certifications under the regulation. The amendments are necessary, in part, to allow CARB to recover the costs of implementing the certification program; the existing fee amount, unchanged in decades, recovers only a portion of the program costs. Resulting resource constraints (including reduced field testing) appear to have reduced cargo tank owner/operator compliance with cargo tank emission standards.

One of the amendments, proposed section 94014(b) provides an effective date for a revised certification fee on January 1, 2020.

The provision and early effective date are necessary to timely fund CARB’s efforts to boost industry compliance with emission standards that provide important public health protections. A January 1, 2020, effective date has been CARB’s explicit goal from the outset of this rulemaking, so cargo tank owners/operators should already be anticipating a fee increase on this date. The Initial Statement of Reasons, posted on March 5, 2019, mentioned a January 1 effective date, which was reaffirmed by CARB staff at the rulemaking’s April 25, 2019, Board Hearing when it was stated that CARB expected to have the fee increase in place on January 1, 2020.

The requested early effective date upon filing with the Secretary of State would allow CARB to have its revised fee effective on January 1, 2020. This would maintain the transparency and regulatory certainty promoted by the proposed amendments. At the same time, an effective date upon filing with the Secretary of State would allow CARB

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to recover the necessary program costs starting in 2020, which would enable CARB to quickly undertake the compliance-increasing activities to protect public health.

For these reasons, CARB hereby requests that OAL approve an early effective date for the amendments to be effective upon filing with the Secretary of State.



Jessica Gordon
Senior Attorney
California Air Resources Board

12/6/19

Date