MEETING
BEFORE THE
CALIFORNIA AIR RESOURCES BOARD

HEARING ROOM
CALIFORNIA AIR RESOURCES BOARD
2020 L STREET
SACRAMENTO, CALIFORNIA

THURSDAY, JUNE 29, 1995
9:30 A.M.

Nadine J. Parks
Shorthand Reporter
MEMBERS PRESENT

John D. Dunlap, III, Chairman
Eugene A. Boston, M.D.
Joseph C. Calhoun
Lynne T. Edgerton
M. Patricia Hilligoss
John S. Lagarias
Jack C. Parnell
Ron Roberts
Doug Vagim

Staff:

Jim Boyd, Executive Officer
Tom Cacklette, Chief Deputy Executive Officer
Mike Scheible, Deputy Executive Officer
Mike Kenny, Chief Counsel, Office of Legal Affairs

Bob Cross, Assistant Chief, Mobile Source Division
Susan Huscroft, Chief, On-Road Controls Branch, MSD
Bill Lovelace, Manager, Regulatory Strategy Section, MSD
Steve Church, Staff, Regulatory Strategy Section, MSD
Diane Glazer, Staff Counsel, Office of Legal Affairs

Bill Loscutoff, Chief, Monitoring & Laboratory Division
George Lew, Chief, Engineering & Laboratory Branch, MLD
James Loop, Staff, MLD
Jim Morgenster, Chief, Compliance Division
Laura McKinney, Manager, Investigations & Certifications
Section, Compliance Division
Cindy Castronovo, Manager, Evaluation Section, MLD
Jim Ryden, Staff Counsel, Office of Legal Affairs

Michael Carter, Chief, Off-Road Control Regulations Branch, MSD
Jack Kitowski, Manager, Toxics & Fuels Section, MSD
Annette Hebert, Staff, Toxics Fuels Section, MSD
Vicky Davis, Staff Counsel, Office of Legal Affairs

James Shikiya, Chief, Southern Laboratory Branch, MLD
Dean Simeroth, Chief, Criteria Pollutants Branch, SSD
Paul Rieger, Staff, Inorganic Analysis Section, MLD
Tom Jennings, Staff Counsel, Office of Legal Affairs
APPEARANCES, continued.

Lynn Terry, Acting Chief, Office of Air Quality and Transportation Planning
Elizabeth Miller, Staff, Transportation Strategies Group, OAQTP
Leslie Krinsk, Staff Counsel

Patricia Hutchens, Board Secretary
Wendy Grandchamp, Secretary
Wayne Rodgers, Chief, Administrative Services Division
Bill Valdez, Staff, Administrative Services Division
## INDEX

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceedings</td>
<td>1</td>
</tr>
<tr>
<td>Call to Order and Roll Call</td>
<td>1</td>
</tr>
<tr>
<td>Opening Remarks by Chairman Dunlap</td>
<td>2</td>
</tr>
<tr>
<td><strong>AGENDA ITEMS:</strong></td>
<td></td>
</tr>
<tr>
<td>95-6-1 Public Hearing to Consider Amendments to Regulations</td>
<td>5</td>
</tr>
<tr>
<td>Procedures for 1985 and Subsequent Model Heavy-Duty</td>
<td></td>
</tr>
<tr>
<td>Engines and Vehicles, to Specify Mandatory Standards for 1998 and</td>
<td></td>
</tr>
<tr>
<td>Subsequent Heavy-Duty Engines and Optional Standards for 1995 and</td>
<td></td>
</tr>
<tr>
<td>Subsequent Heavy-Duty Engines</td>
<td></td>
</tr>
<tr>
<td>Introductory Remarks by Chairman Dunlap</td>
<td>5</td>
</tr>
<tr>
<td><strong>Staff Presentation:</strong></td>
<td></td>
</tr>
<tr>
<td>Jim Boyd</td>
<td>6</td>
</tr>
<tr>
<td>Executive Officer</td>
<td></td>
</tr>
<tr>
<td>Steve Church</td>
<td>9</td>
</tr>
<tr>
<td>Staff, Regulatory Strategy Section</td>
<td></td>
</tr>
<tr>
<td>Mobile Source Division</td>
<td></td>
</tr>
<tr>
<td>Questions/Comments</td>
<td>22</td>
</tr>
<tr>
<td><strong>PUBLIC COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>Glenn Keller</td>
<td>28</td>
</tr>
<tr>
<td>Engine Manufacturers Association</td>
<td></td>
</tr>
<tr>
<td>Questions/Comments</td>
<td>34</td>
</tr>
<tr>
<td>(Direction to Staff by Chairman)</td>
<td>38, 39</td>
</tr>
<tr>
<td>Questions/Comments</td>
<td>39</td>
</tr>
<tr>
<td>Written Comments Entered into Record by Bill Lovelace</td>
<td>43</td>
</tr>
</tbody>
</table>

PETERS SHORTHAND REPORTING CORPORATION
3336 BRADSHAW ROAD, SUITE 240, SACRAMENTO, CA 95827 / (916) 362-3345
<table>
<thead>
<tr>
<th>AGENDA ITEMS:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>95-6-1</strong> Record Officially Closed by Chair</td>
</tr>
<tr>
<td>Motion to Approve Resolution 95-26 by Boston</td>
</tr>
<tr>
<td>Roll Call Vote</td>
</tr>
<tr>
<td><strong>95-6-2</strong> Public Hearing to Consider Adoption, Amendment, and Repeal of Regulations Regarding Certification Procedures and Test Procedures for Gasoline Vapor Recovery Systems</td>
</tr>
</tbody>
</table>

| Introductory Remarks by Chairman Dunlap  |
| Staff Presentation:  |
| Jim Boyd Executive Officer  |
| Cindy Castronovo Manager Evaluation Section, MLD  |
| Questions/Comments  |
| **PUBLIC COMMENTS:**  |
| Donald Gilson, P.E. WSPA  |
| Questions/Comments  |
| Written Comments Entered Into Record by Ms. Castronovo  |
| Official Closing of Record, awaiting 15-day notice of public availability  |
| Motion by Lagarias to Approve Resolution 95-27  |
| Roll Call Vote  |
MR. LAGARIAS: Aye.

MS. HUTCHENS: Parnell?

MR. PARNELL: Aye.

MS. HUTCHENS: Roberts?

SUPERVISOR ROBERTS: Aye.

MS. HUTCHENS: Vagim?

SUPERVISOR VAGIM: Aye.

MS. HUTCHENS: Chairman Dunlap?

CHAIRMAN DUNLAP: Aye.

MS. HUTCHENS: Passes 9-0.

CHAIRMAN DUNLAP: Very good. Thank you. I'd like to thank staff for a fine presentation. Mr. Lovelace, Mr. Church, appreciate it very much.

All right. That takes us to the second item on the agenda, 95-6-2, public hearing to consider the adoption, amendment, and repeal of regulations regarding certification procedures and test procedures for gasoline vapor recovery systems.

Most of us are familiar with vapor recovery nozzles that we use to fill our vehicles with gasoline. This is only one example of a gasoline vapor recovery system. Gasoline vapor recovery systems reduce hydrocarbon emissions by an estimated 150,000 tons and save 49 million gallons of fuel annually in our State.

The ARB has been a leader in this area in
implementing vapor recovery systems for over 20 years. A major part of the success of this program has been based on the systematic approach taken to test and certify vapor recovery equipment.

In recent years, new innovative system designs have been developed. These user-friendly designs or components like "bootless" nozzles are often incompatible with existing certification and test procedures.

In order to ensure that all designs, systems, and components are certified and tested in an equitable manner, staff is proposing revisions of the certification and test procedures for vapor recovery systems.

Updated procedures are being proposed for systems associated with all aspects of the gasoline marketing chain, including large terminals, intermediate transfer facilities known as bulk plants, cargo tanks, and, of course, service stations.

Supervisor Roberts and I had a chance in San Diego to see a new vapor recovery system to learn first-hand about the certification process. And we welcome any changes that'll make it more efficient.

So, with that, I'd like to ask Mr. Boyd to introduce this item and begin the staff's presentation.

MR. BOYD: Thank you, Chairman Dunlap.

Let me begin with a very brief overview of how the
California vapor recovery program operates. Under California law, the Air Resources Board is directed to certify vapor recovery systems which meet certain performance standards.

The certification process is carried out by the Air Resources Board’s Compliance Division. Our Monitoring and Laboratory Division is responsible for preparing the certification and the testing procedures. And, as many of you know, California’s local air pollution control districts, which have primary responsibility for stationary sources of emissions, have adopted regulations requiring ARB certified vapor recovery systems for the control of both hydrocarbon emissions for ozone control and benzene emissions -- benzene being a toxic air contaminant -- thus, for control of that emission source.

The districts have compliance programs to ensure that installed vapor recovery systems are indeed operating correctly. In preparing these updated procedures, considerable input has been provided by others, including the businesses which manufacture these systems, that sell them, buy them, and use such systems and, of course, from the local air pollution control districts.

Before the staff’s presentation for this agenda item, I’d like to mention two items that surfaced during the development of the proposed procedures.
First, as another part of today’s agenda, the Board will consider whether or not to implement the federal on-board vapor recovery program, which is intended to control gasoline transfer emissions at gasoline dispensing facilities.

Our Research Division has issued a request for proposals to investigate the interaction of the on-board vapor recovery systems with the existing vapor recovery systems at service stations.

The second issue is related to possible seasonal effects on the certification testing and characterization of fugitive emissions. This issue was raised in the course of developing the revised procedures that are before you today.

Frankly, there is insufficient technical information available at this time to deal with this issue. Accordingly, the subject will also be the subject of a proposed research contract.

Your staff will continue to work on improvements to the procedures even beyond today’s Board item. However, we feel it’s necessary to adopt the proposed procedures to allow certification of new technologies that have been mentioned before.

With that, I’d like to turn the presentation over to Ms. Cindy Castronovo of our Monitoring and Laboratory Division, who will present to you today the staff’s
recommendation.

Cindy?

MS. CASTRONOVO: Thank you, Mr. Boyd. Good morning, Chairman Dunlap, members of the Board.

My presentation today will describe the vapor recovery program, the vapor recovery system certification process, and summarize our rationale for the proposed revisions to the vapor recovery certification and test procedures.

Vapor recovery is a control strategy for reducing hydrocarbon emissions during gasoline refueling and transfer operations.

The vapor recovery program was initiated in the early 1970s to reduce the formation of ozone in nonattainment areas.

In 1987, the use of vapor recovery systems was expanded statewide as part of ARB's air toxic control measure for benzene emissions.

In California, uncontrolled hydrocarbon emissions from gasoline marketing operations are estimated at 450 tons per day. Vapor recovery systems reduce hydrocarbon emissions by an estimated 410 tons per day or 150,000 tons per year, and save 49 million gallons of gasoline annually.

Gasoline vapor control systems also reduce exposure to benzene, reducing benzene cancer incidence.
attributable to gasoline vapor exposure by an estimated 83 percent.

Vapor recovery systems are used at various facilities in the gasoline marketing chain. Each facility type has a separate certification procedure. I'll describe each type of facility in the next few slides.

As you know, gasoline is produced at refineries then loaded onto ships or trains or dispensed through pipelines to large storage tanks at terminal facilities. The terminals have loading racks for dispensing gasoline to cargo trucks. The loading rack also recovers displaced gasoline vapors from the cargo tank and directs the vapors to a control device.

The control device is usually a condenser which condenses the vapors back to liquid gasoline.

There are about 40 terminals in California, most of them located at refineries or near a gasoline pipeline. Each terminal facility vapor recovery system is individually certified through testing by ARB's Compliance Division.

A bulk plant is similar to a terminal, in that it consists of a loading rack and gasoline storage tanks, although the gasoline tanks are normally smaller.

The main difference is that the bulk plant receives gasoline from a cargo tank instead of a pipeline, ship, or train. The approximately 200 bulk plants in
California are thus intermediate gasoline transfer
facilities which are often found in rural or remote areas.

While terminals are operated by gasoline producers
and distributors, bulk plants are mostly operated by small
businesses who sell to farmers, construction companies, and
fleet operators.

Each bulk plant vapor recovery system is
individually certified through testing by ARB's Compliance
Division. Each cargo tank is equipped with its own vapor
recovery system. A separate certification procedure is
provided for cargo tank systems.

Each cargo tank is tested annually to maintain its
certification.

The largest use of vapor recovery systems is at
the approximately 14,000 gasoline dispensing facilities,
commonly referred to as service stations or gas stations.
The vapor recovery systems at these facilities are
divided into two parts -- Phase I and Phase II.

Phase I, shown here, involved the transfer of
gasoline from the cargo tank to the service station
underground storage tank. The vapors displaced during
filling are routed back to the cargo tanks. That's why you
observe two separate lines when a cargo tank is making a
delivery -- one to dispense gasoline, the other to collect
crash.
Phase II vapor recovery applies to the fueling of vehicles at a dispensing facility. This is the type of vapor recovery with which we are most familiar as the vapor recovery system is operated by us, the customer filling our vehicle.

The first Phase II systems were primarily the booted balance systems. But in recent years, the trend has been towards bootless nozzles. The display located behind you has been provided to give a sense of how the nozzle portion of the vapor recovery system has evolved over the last 20 years to lighter, more useful friendly nozzles.

The continued improved design of the Phase II systems is the primary reason we are here to update the certification and test procedures.

Because it would not be cost-effective to certify every service station, a prototype system seeking certification is installed at a dispensing facility in the Sacramento area and undergoes testing observed by the Compliance Division.

As a summary, this slide shows the overall vapor recovery process. The bottom of the slide illustrates the liquid gasoline pack, and the top shows how vapor displaced during vehicle fueling eventually makes its way back to the terminals where the vapor is condensed and recovered.

Also, note that Phase I is the term used to
describe all transfer operations involved a cargo tank, and
Phase II is reserved for transfer of gasoline to vehicles.

The existing procedures cover certification of
terminals, bulk plants, cargo tanks, and gasoline dispensing
facilities. We have also been asked to consider
certification of nontraditional gasoline transfer
operations.

One example shown here is the direct fueling of
vehicles from a cargo tank. This means of fueling vehicles
might be desired by a fleet operator in order to fuel
vehicles while still parked in the lot. To accommodate this
and other nontraditional gasoline transfer operations, we
have included a new certification for novel facilities that
will allow the use of existing vapor recovery system
components to be applied to new situations and certified on
a case-by-case basis.

This concludes my overview of the gasoline
marketing facilities. Now I will focus on the certification
and test procedure revisions.

Staff proposes to revise the existing vapor
recovery certification and test procedures by adoption of
five certification procedures, one for each major facility
type and also a new certification procedure for novel
systems.

The 19 test procedures include updated versions of
existing procedures as well as new tests created for
determining the performance of vapor recovery systems.

Twelve of the 19 test procedures are applicable to
vapor recovery systems at gasoline dispensing facilities. A
separate set of definitions has also been developed to
clarify terminology used throughout the certification and
test procedures.

The ARB is required by law to certify vapor
recovery systems which are sold, offered for sale, or
installed in California. The primary purpose of these
proposed procedures is to allow ARB to carry out this
mandate through the Compliance Division certification
program.

These procedures are also used by vapor recovery
system equipment manufacturers to design products which must
meet the certification standards. The procedures are also
of interest to the major purchasers of vapor recovery
systems, which are the gasoline producers and distributors.

Local districts do not conduct certification
tests, but use the test procedures for compliance assurance.
For example, the procedures are used to verify proper
installation of a service station vapor recovery system as
might required by a district authority to construct.

Certain procedures may also be referenced in
district rules as required tests to be conducted
periodically to assure the system is operating effectively.

    Why are we proposing revisions to the existing
certification and test procedures? As mentioned previously,
the vapor recovery program is over 20 years old. Many of
the existing procedures date from the early days of the
program.

    Vapor recovery systems have changed dramatically,
especially in the last few years. And for many new systems,
the existing procedures cannot be applied without
modification.

    Since we expect continued innovation in vapor
recovery system design, the procedures should be flexible
enough to accommodate anticipated future systems. Finally,
there is increased demand from the districts for simple
tests which can be used to check vapor recovery system
performance on a periodic basis.

    The revisions proposed address these needs.

    As already mentioned, ARB uses the certification
procedures to certify vapor recovery systems. The
certification procedures contain minimum criteria which must
be met, which are expressed as performance standards. The
certification procedures also describe various performance
specifications and reference appropriate test procedures as
I'll describe later.

    The staff report contains tables which detail the
various performance standards for each type of facility. This slide emphasizes that we are not proposing changes to the performance standards for service stations and bulk plants. Vapor recovery systems at these facilities must meet a minimum of 90 percent control efficiency.

I should note that almost all systems for dispensing facilities have been certified at 95 percent rather than 90 percent in order to meet more stringent efficiency requirements imposed in most districts.

However, we are proposing revised performance standards for terminals and cargo tanks. The primary performance standard for terminals is proposed to be reduced from 0.9 to 0.29 pounds of hydrocarbons per thousand gallons to make California requirements consistent with U.S. EPA new source performance standards.

The approximately 40 terminals in California have already met this standard for many years. The primary performance standard for cargo tanks is a vapor leak limit. All cargo tanks must be leak tested annually and then may be spot checked during the year.

Industry has opted for the last ten years to voluntarily observe a more stringent annual leak limit in order to ensure they will pass the compliance checks. This is to avoid the costs of having to bring the cargo tank out of service for repair and retesting. This revision does
incorporate current industry practice into the procedures
and allow sources to credit real and enforceable emission
reductions.

The performance specification is a new term for a
common certification practice already authorized by the
existing procedures. Currently, ARB first checks to make
sure the vapor recovery system meets the performance
standards.

If so, critical components of the system are
identified and ranges of acceptable values for these
parameters are derived from test data and documented as
acceptable operation parameters or performance
specifications. For example, a vapor return hose must be
able to operate even when some vapors condense to liquid
gasoline in the line.

The liquid blockage test is used to set this
performance specification.

The districts use the performance specification
and the associated test methods in checking the operation of
installed systems. The test procedures are used to measure
whether the performance standards are met and also to
determine appropriate performance specifications.

State law requires that existing systems be
decertified and must undergo recertification when the
performance standards are revised. No new certification
testing will be required for any existing facility.

Terminals and cargo tanks will undergo
administrative recertification as the existing systems
already are documented to meet the proposed new performance
standards.

As the performance standards for dispensing
facilities in bulk plants have not changed, no
recertification is required. The revised procedures will
apply to new systems seeking certification only.

The proposed revised procedures represent a
tremendous effort on the part of staff and numerous affected
groups, which include the districts, vapor recovery
manufacturers, and facility operators.

Five public workshops were held as well as
numerous meetings with affected parties. The staff would
like to acknowledge the assistance provided by the CAPCOA
Vapor Recovery Technical Committee -- in particular, Ken
Kenuniak (phonetic) of the Bay Area Air Quality Management
District, who was the original author of several of the
proposed procedures.

A survey was mailed to approximately 10,000
facilities, mostly service stations, to collect information
on possible economic impacts of the proposed revisions. No
significant impacts were found.

The staff finds no adverse economic impact,
primarily because existing certification holders will not be
required to retest if the revised procedures are adopted.
As performance standards are either not being changed or
being changed only to reflect current practice, no emission
reductions can be attributed to the procedure revisions.

However, some emission reductions may occur due to
improved monitoring of in-use systems using the proposed
test procedures.

In summary, we would like to reiterate that the
existing procedures are not adequate to meet the needs of
today's technology. We have worked with all interested
parties over the past few years to revise the procedures to
meet the needs of the vapor recovery system manufacturer,
the vapor recovery system customer, and the air pollution
agencies.

We believe the revised procedures can be used
successfully to accommodate future technologies. We
anticipate no significant adverse economic or environmental
impacts if the revised procedures are adopted.

Finally, I understand that in a recent visit to
San Diego, several Board members became aware of industry
concerns regarding the vapor recovery system certification
process. The adoption of the revised procedures will
facilitate the existing certification process and should
expedite future certifications as the new procedures address
many aspects of the newer technology which are not considered in the existing procedures.

Before I close, I'd like to mention that we will be preparing a package of 15-day changes based on comments received during the 45-day comment period.

This concludes my presentation.

CHAIRMAN DUNLAP: Very well done. Thank you.

Any questions or comments by the Board members?

There was, if I might illuminate the comment, I appreciate you making mention that several of us who were in San Diego heard -- I don't want to call it a complaint; it sounds too harsh -- but there was a manufacturer that made a vapor recovery system, a nozzle, that wanted it certified rapidly.

And they felt that, while the result came out just fine -- they were certified -- they thought that, if they could have got it quicker, they could have sold more units. So, that was the nature of the concern. They didn't quibble with the completeness of the analysis or any of that.

And I appreciate your following up.

We do have a letter, though, here from the County of San Diego, the APCO there. And it's fairly comprehensive. And so, during the course of our discussion here, I'd like for you to address as many of those issues as you can.
Supervisor, did you want to --

SUPERVISOR ROBERTS: Well, I was going to wait till after the public testimony --

CHAIRMAN DUNLAP: Okay.

SUPERVISOR ROBERTS: -- and request that maybe staff could respond to the points that Mr. Sommerville raised in that letter.

CHAIRMAN DUNLAP: All right. That would be fine. Why don’t we go ahead then. I’ll call the first, or the only witness, Donald Gilson from WSPA.

It’s my understanding that there has been no written testimony. This will be oral remarks.

Good morning.

MR. GILSON: Good morning. Mr. Chairman, members of the Board, and staff members, my name is Don Gilson. And I’m here representing the Western States Petroleum Association, or WSPA.

WSPA is a trade association that represents more than 30 companies in the Western U.S. Many of our companies conduct business in California and are directly impacted by ARB regulations regarding vapor recovery.

WSPA supports the adoption of the revised regulations regarding certification and test procedures for gasoline vapor recovery systems. Speaking as end users of the entire range of vapor recovery systems covered by the
proposal before you today, we appreciate the opportunities
we have had to provide input on the new procedures.

Through the public workshop process and in
personal discussions, the staff of the Monitoring and
Laboratory Division have been attentive to our concerns and
responsive to our comments.

WSPA supports ARB certification and test
procedures, because they provide a common sense method for
standardizing vapor recovery performance and equipment
requirements, not only in California but in the numerous
States across the country that reference the certifications
in their regulations.

WSPA supports the use of innovative field test
methods that provide practical ways for operators to verify
compliance and effectively reduce emissions.

I'd like to mention just two examples. One test
procedure, TP-201.3, which is in that thick book we all
have: This is a two-inch water column static pressure decay
test for service stations. It provides a quick and
effective test of vapor tightness. It can be performed in
five minutes. It allows the pressure vacuum valve to be
left on the vent line at the station, and it reduces
emissions to one-fifth the level of the older 10-inch water
column test.

Another example of creativity is the test
procedure TP-204.2, the one-minute static pressure
performance test for cargo tanks.

As the name implies, the test only takes one
minute and replaces the old hit-or-miss sniffer test that
requires climbing on or under the truck while checking for
leaks. The one-minute test provides a true indication of
truck vapor tightness and significantly reduces the number
of false leak indications that are prevalent with the
sniffer test.

In closing, we have appreciated the chance to work
with Arb staff during the developments of these proposed
regulations, and we urge that you adopt them as submitted to
you by the staff.

Thank you.

CHAIRMAN DUNLAP: Very good. Thank you.
Supervisor?

SUPERVISOR ROBERTS: I don’t know who it would be
appropriate to address the points that Mr. Sommerville
raised, but somebody can respond to them.

I presume you have a copy of his letter.

CHAIRMAN DUNLAP: Yeah, we have no more oral
testimony. Would you like -- would you like then to start
with the San Diego letter?

MS. CASTRONOVO: I’ll give a general response, and
then we can go on to point by point, if you wish to do that.
We received a letter from San Diego Air Pollution
Control District, which states the revised procedures
contain significant improvements, but do not meet all of
their concerns.

San Diego has asked us to evaluate these concerns
and propose additional changes within one year. Some of the
issues by San Diego will also be addressed in the proposed
research contracts which were previously described.

As to the others, we’ll be happy to work with the
districts through the CAPCOA Vapor Recovery Committee to
address these concerns. As mentioned already, we do expect
to return to the Board if the research results or other
information warrant further modifications.

Are there any -- is there any -- the San Diego
letter had six points that they brought up. Is there any
one in particular that you want me to focus on?

SUPERVISOR ROBERTS: Would you just run through
them quickly, if you could?

MS. CASTRONOVO: Okay.

SUPERVISOR ROBERTS: There was also a couple
things at the end that weren’t enumerated.

MS. CASTRONOVO: Okay. Their first comment talks
about using the boot method or the sleeve method for
balance-type vapor recovery systems, they say, because it
interfered with the normal way customers handle the vapor
recovery nozzle. This is kind of a -- it's already covered
in our test procedures under the challenge mode testing
that's done.

What San Diego would like is to certification
tests to be done under all conditions that could possibly be
done by the customer. For example, some customers will pull
their hose over on the top of their truck, put it in on the
other side, and may hold the nozzle upside down while
they're trying to fuel.

And some people think, well, maybe this
certification procedure should have a more standardized-type
fueling. So, the balance between a real world situation and
a standardized certification test is what the issue is here.

And we would like to keep some of the real world
element in there, because this is how we find the problems,
because people do use the vapor recovery nozzles in
different ways, and we want to make sure our testing does
see the whole spectrum of use.

For San Diego, that's what the first comment
involves. We'll research it further with them.

Okay. The second one involves the pressure decay
test that Don Gilson just mentioned. And they're saying
that the test has some flaws, and that here's differences in
environmental factors that can affect the pressure, other
than just what's happening under the -- in the underground
storage tank.

This is one of the topics to be addressed in the research contract that we mentioned about seasonal effects. And so, we hope to take care of it in that arena.

The third comment is a similar item which San Diego says, "Actual system efficiencies cannot be determined without considering the influence of ambient conditions."

Again, that is the seasonal effects research contract. We hopefully will take care of it there.

Number four goes back to the pressure decay leak test, and talks about how different things that happened in the service station can affect the measurement of that test. And we do realize that. And if you read through the test procedure, you do need to shut down the station to conduct this test to minimize the complicating factors, and also you have to wait a certain amount of time after a bulk delivery of gasoline to minimize the complications.

So, we think that we have taken care of that issue already, but we will discuss it further with San Diego.

Number five I have a good answer for, because we have already made that change, and it will be in our 15-day package. It talks about capping the liquid fill risers at the point where the cargo tanks make their fill. And that change has already been made.

Number six talks about the air to liquid test
which is done on the bootless nozzles. It says that the
test needs further evaluation, and alternatives should be
developed. We do agree with this statement. We are looking
at alternatives to this test; however, the test method is
needed now, because the bootless nozzles are being
certified, and we do have some ideas about how to improve
the test.

San Diego also talks about some safety concerns
about bringing air into the underground tank. We need to
talk to them about how they generated these numbers. We, in
our calculations, come up with a much lower number, and we
need to discuss with them and resolve this issue.

The last issue that's sort of outside the six
points that talks about MSD, I think maybe we've already
passed this comment on to MSD and they may address it during
their presentation on the on-board.

SUPERVISOR ROBERTS: Okay. Thank you.

CHAIRMAN DUNLAP: Very good. Do you want to cover
any of the other written communications that we received on
this item?

MS. CASTRONOVO: We have two other letters from
Gilbarco, who's a vapor recovery system manufacturer. They
support the revised procedures, but they recommend minor
revisions to clarify certain technical points. And we
intend to incorporate most of Gilbarco's recommended
revisions as part of the 15-day package.

CHAIRMAN DUNLAP: Okay. Very good. Mr. Boyd, does staff have any further comments?

MR. BOYD: I just have one comment, Mr. Chairman. I'm very happy that Ms. Castronovo was able to address Mr. Sommerville's concerns, in that his letter was only dated and received yesterday.

CHAIRMAN DUNLAP: Right.

MR. BOYD: So, a message will go back to Mr. Sommerville asking him -- since this item has been around a long time -- to try to give us a little more leadtime.

SUPERVISOR ROBERTS: I'd be glad to take that message back to him.

(Laughter.)

SUPERVISOR ROBERTS: He mentioned this to me a few days ago, but I had presumed that you had it for some time. I appreciate you being prepared with those answers. And I will see that he's more timely in his future letters.

MR. BOYD: Thank you. Rich will understand.

CHAIRMAN DUNLAP: Yes, we think that the Supervisor's quite capable of delivering that message.

Okay. If there's nothing else from staff, I will now close the record on this agenda item; however, the record will be reopened when the 15-day notice of public availability is issued as mentioned.
Written or oral comments received after this hearing date but before the 15-day notice is issued will not be accepted as part of the official record on this agenda item.

When the record is reopened for a 15-day comment period, the public may submit written comments on the proposed changes which will be considered and responded to in the final statement of reasons for the regulation.

Again, just a reminder to Board members of our policy regarding ex parte communications, while we may communicate off the record with outside persons regarding Board rulemaking, we must disclose the names of our contacts and the nature of the contents on the record.

This requirement applies specifically to communications which take place after notice of the Board hearing has been published.

Are there any communications which you need to disclose?

(There was no response.)

CHAIRMAN DUNLAP: Okay. Very good.

We'll now take up this item. We have a resolution before us. Colleagues on the Board have had a moment to review it. Is there a motion?

MR. LAGARIAS: Mr. Chairman, I move adoption of Resolution 95-27.
SUPERVISOR ROBERTS: I'll second it.

CHAIRMAN DUNLAP: Very good. We have a second—a motion and a second.

Is there any further discussion by members of the Board on the item?

Okay. Very good. I'll ask the Board Secretary to please take the roll call for a vote on Resolution 95-27.

MS. HUTCHENS: Boston?

DR. BOSTON: Yes.

MS. HUTCHENS: Calhoun?

MR. CALHOUN: Aye.

MS. HUTCHENS: Edgerton?

MS. EDGERTON: Aye.

MS. HUTCHENS: Hilligoss?

MAYOR HILLIGOSS: Aye.

MS. HUTCHENS: Lagarias?

MR. LAGARIAS: Aye.

MS. HUTCHENS: Parnell?

MR. PARNELL: Yes.

MS. HUTCHENS: Roberts?

SUPERVISOR ROBERTS: Aye.

MS. HUTCHENS: Vagim?

SUPERVISOR VAGIM: Aye.

MS. HUTCHENS: Chairman Dunlap?

CHAIRMAN DUNLAP: Aye.
MS. HUTCHENS: Resolution passes 9-0.

CHAIRMAN DUNLAP: Thank you. The third item on
the agenda today is 95-6-3, public hearing to consider the
adoption of on-board refueling vapor recovery standards and
test procedures and modifications to evaporative test
procedures applicable to 1998 and subsequent model year
passenger cars, light-duty trucks, and medium-duty vehicles.

The 1990 Federal Clean Air Act amendments directed
the U.S. EPA to adopt standards and test procedures for on-
board refueling vapor recovery called ORVR. After several
years of workshops and research, the U.S. EPA has adopted
the ORVR regulations for new light-duty vehicles and trucks
beginning in the 1998 model year.

The new ORVR rule will apply to all light-duty
vehicles and trucks manufactured and sold in the 50 States,
unless an exemption by the U.S. EPA for a particular State.

The ARB has investigated the application of ORVR
in the State of California. Before us for consideration
today, staff has a proposal that includes adoption of the
U.S. EPA’s ORVR standards and test procedures.

In addition to these regulations, we’re also to
consider proposed amendments to the California evaporative
test procedures necessary to align the ORVR testing scheme
with the evaporative testing sequence.

Finally, for clarification purposes, and for