

ASSEMBLY BILL

No. 453

Introduced by Assembly Member Garrick

February 24, 2009

An act to amend Section 41954 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as introduced, Garrick. Air quality: gasoline vapor recovery system.

Existing law requires the State Air Resources Board to adopt procedures for determining the compliance of a system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations, with performance standards that are reasonable and necessary to achieve or maintain an applicable ambient air quality standard.

This bill would make technical nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41954 of the Health and Safety Code is
2 amended to read:
3 41954. (a) The state board shall adopt procedures for
4 determining the compliance of ~~any~~ a system designed for the
5 control of gasoline vapor emissions during gasoline marketing
6 operations, including storage and transfer operations, with

1 performance standards that are reasonable and necessary to achieve
2 or maintain ~~any~~ *an* applicable ambient air quality standard.

3 (b) The state board shall, after a public hearing, adopt additional
4 performance standards that are reasonable and necessary to ensure
5 that systems for the control of gasoline vapors resulting from motor
6 vehicle fueling operations do not cause excessive gasoline liquid
7 spillage and excessive evaporative emissions from liquid retained
8 in the dispensing nozzle or vapor return hose between refueling
9 events, when used in a proper manner. To the maximum extent
10 practicable, the additional performance standards shall allow
11 flexibility in the design of gasoline vapor recovery systems and
12 their components.

13 (c) (1) The state board shall certify, in cooperation with the
14 districts, only those gasoline vapor control systems that it
15 determines will meet the following requirements, if properly
16 installed and maintained:

17 (A) The systems will meet the requirements of subdivision (a).

18 (B) With respect to ~~any~~ *a* system designed to control gasoline
19 vapors during vehicle refueling, that system, based on an
20 engineering evaluation of that system's component qualities,
21 design, and test performance, can be expected, with a high degree
22 of certainty, to comply with that system's certification conditions
23 over the warranty period specified by the board.

24 (C) With respect to ~~any~~ *a* system designed to control gasoline
25 vapors during vehicle refueling, that system shall be compatible
26 with vehicles equipped with onboard refueling vapor recovery
27 (ORVR) systems.

28 (2) The state board shall enumerate the specifications used for
29 issuing the certification. After a system has been certified, if
30 circumstances beyond the control of the state board cause the
31 system to no longer meet the required specifications or standards,
32 the state board shall revoke or modify the certification.

33 (d) The state board shall test, or contract for testing, gasoline
34 vapor control systems for the purpose of determining whether
35 those systems may be certified.

36 (e) The state board shall charge a reasonable fee for certification,
37 not to exceed its actual costs ~~therefor~~ *of certification*. Payment of
38 the fee shall be a condition of certification.

39 (f) ~~No~~ *A* person shall *not* offer for sale, sell, or install ~~any~~ *a* new
40 or rebuilt gasoline vapor control system; or ~~any~~ *a* component of

1 the system, unless the system or component has been certified by
2 the state board and is clearly identified by a permanent
3 identification of the certified manufacturer or rebuilder.

4 (g) (1) Except as authorized by other provisions of law and
5 except as provided in this subdivision, ~~no a district may shall not~~
6 adopt, after July 1, 1995, stricter procedures or performance
7 standards than those adopted by the state board pursuant to
8 subdivision (a), and ~~no a district may shall not~~ enforce any of those
9 stricter procedures or performance standards.

10 (2) Any stricter procedures or performance standards shall not
11 require the retrofitting, removal, or replacement of ~~any an~~ existing
12 system, ~~which that~~ is installed and operating in compliance with
13 applicable requirements, within four years from the effective date
14 of those procedures or performance standards, except that existing
15 requirements for retrofitting, removal, or replacement of nozzles
16 with nozzles containing vapor-check valves may be enforced
17 commencing July 1, 1998.

18 (3) Any stricter procedures or performance standards shall not
19 be implemented until at least two systems meeting the stricter
20 performance standards have been certified by the state board.

21 (4) If the certification of a gasoline vapor control system; or *of*
22 a component ~~thereof~~, *of that system* is revoked or modified, ~~no a~~
23 district shall *not* require a currently installed system; or component
24 ~~thereof~~, *of that system* to be removed for a period of four years
25 from the date of revocation or modification.

26 (h) ~~No~~A district shall *not* require the use of test procedures for
27 testing the performance of a gasoline vapor control system unless
28 those test procedures have been adopted by the state board or have
29 been determined by the state board to be equivalent to those
30 adopted by the state board, ~~except that test procedures used by a~~
31 ~~district prior to January 1, 1996, may continue to be used until~~
32 ~~January 1, 1998, without state board approval.~~

33 (i) With respect to those vapor control systems subject to
34 certification by the state board, there shall be no criminal or civil
35 proceedings commenced or maintained for failure to comply with
36 ~~any a~~ statute, rule, or regulation requiring a specified vapor
37 recovery efficiency if the vapor control equipment ~~which that~~ has
38 been installed to comply with applicable vapor recovery
39 requirements meets both of the following requirements:

- 1 (1) Has been certified by the state board at an efficiency or
- 2 emission factor required by applicable statutes, rules, or
- 3 regulations.
- 4 (2) Is installed, operated, and maintained in accordance with
- 5 the requirements set forth in the document certification and the
- 6 instructions of the equipment manufacturer.

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