

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 453**

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**Introduced by Assembly Member Garrick**  
*(Principal coauthor: Senator Cox)*

February 24, 2009

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~~An act to amend Section 41954 of the Health and Safety Code, relating to air quality.~~ *An act to amend Section 41964 of the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, Garrick. ~~Air quality: gasoline vapor recovery system.~~ *Gasoline: vapor recovery systems.*

*Existing law requires the State Air Resources Board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations, and additional performance standards to ensure that systems for the control of gasoline vapors from motor vehicle fueling operations do not cause excessive spillage and emissions. Existing law prohibits the state board from requiring a gasoline dispensing facility that meets certain requirements from undergoing an Enhanced Vapor Recovery Phase II upgrade until April 1, 2011.*

*This bill would prohibit the state board from requiring a gasoline dispensing facility that does not meet these requirements from undergoing an Enhanced Vapor Recovery Phase II upgrade until April 1, 2010.*

~~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~~ yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 41964 of the Health and Safety Code is  
2 amended to read:

3 41964. (a) The state board shall not require a gasoline  
4 dispensing facility that meets all of the following requirements to  
5 undergo an Enhanced Vapor Recovery Phase II upgrade until April  
6 1, 2011:

7 (a)

8 (1) As of January 1, 2009, have installed a state board certified  
9 Phase II vapor recovery system.

10 (b)

11 (2) Have an annual gasoline throughput of 240,000 gallons or  
12 less.

13 (c)

14 (3) Operate in a county that has a population of less than  
15 100,000.

16 (d)

17 (4) Operate in a basin not classified as nonattainment for ozone.

18 (b) The state board shall not require a gasoline dispensing  
19 facility that does not meet all of the requirements of subdivision  
20 (a) to undergo an Enhanced Vapor Recovery Phase II upgrade  
21 until April 1, 2010.

22 SECTION 1. ~~Section 41954 of the Health and Safety Code is~~  
23 ~~amended to read:~~

24 ~~41954. (a) The state board shall adopt procedures for~~  
25 ~~determining the compliance of a system designed for the control~~  
26 ~~of gasoline vapor emissions during gasoline marketing operations,~~  
27 ~~including storage and transfer operations, with performance~~  
28 ~~standards that are reasonable and necessary to achieve or maintain~~  
29 ~~an applicable ambient air quality standard.~~

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

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

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

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

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

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

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

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

37     ~~(f) A person shall not offer for sale, sell, or install a new or~~  
38 ~~rebuilt gasoline vapor control system or a component of the system,~~  
39 ~~unless the system or component has been certified by the state~~

1 board and is clearly identified by a permanent identification of the  
2 certified manufacturer or rebuilder.

3 ~~(g) (1) Except as authorized by other provisions of law and~~  
4 ~~except as provided in this subdivision, a district shall not adopt,~~  
5 ~~after July 1, 1995, stricter procedures or performance standards~~  
6 ~~than those adopted by the state board pursuant to subdivision (a),~~  
7 ~~and a district shall not enforce any of those stricter procedures or~~  
8 ~~performance standards.~~

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

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

20 ~~(4) If the certification of a gasoline vapor control system or of~~  
21 ~~a component of that system is revoked or modified, a district shall~~  
22 ~~not require a currently installed system or component of that system~~  
23 ~~to be removed for a period of four years from the date of revocation~~  
24 ~~or modification.~~

25 ~~(h) A district shall not require the use of test procedures for~~  
26 ~~testing the performance of a gasoline vapor control system unless~~  
27 ~~those test procedures have been adopted by the state board or have~~  
28 ~~been determined by the state board to be equivalent to those~~  
29 ~~adopted by the state board.~~

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

37 ~~(1) Has been certified by the state board at an efficiency or~~  
38 ~~emission factor required by applicable statutes, rules, or~~  
39 ~~regulations.~~

- 1     ~~(2) Is installed, operated, and maintained in accordance with~~
- 2     ~~the requirements set forth in the document certification and the~~
- 3     ~~instructions of the equipment manufacturer.~~

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