

AMENDED IN ASSEMBLY APRIL 1, 2009
AMENDED IN ASSEMBLY MARCH 23, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 453

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

February 24, 2009

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. 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~~ *exempt* a gasoline dispensing facility that does not meet these requirements from ~~undergoing penalties for failing to undergo~~ an Enhanced Vapor Recovery Phase II upgrade until April 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: 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 (1) As of January 1, 2009, have installed a state board certified
8 Phase II vapor recovery system.

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

11 (3) Operate in a county that has a population of less than
12 100,000.

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

14 (b) ~~The state board shall not require a~~ A gasoline dispensing
15 facility that does not meet all of the requirements of subdivision
16 (a) *that fails* to undergo an Enhanced Vapor Recovery Phase II
17 upgrade ~~until~~ *shall not be subject to penalties for violations that*
18 *occur before* April 1, 2010.

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