

RULE 425. GASOLINE VAPOR RECOVERY

Adopted: 12/14/88 Revised: 11/10/93

A. PURPOSE

To comply with the Air Resources Board's airborne toxic control measure for emissions of benzene from retail service stations as required by California Health and Safety Code Section 39666. This Rule does not apply to service stations with an annual gasoline throughput of less than 120,000 gallons.

B. DEFINITIONS

For the purposes of this rule, the following definitions shall apply:

1. "ARB-certified vapor recovery system" means a vapor recovery system which has been certified by the state board pursuant to Section 41954 of the Health and Safety Code.
2. "Excavation" means exposure to view by digging.
3. "Gasoline" means any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
4. "Motor vehicle" has the same meaning as defined in Section 415 of the Vehicle Code.
5. "Owner or operator" means an owner or operator of a retail service station.
6. "Phase I vapor recovery system" means a gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.
7. "Phase II vapor recovery system" means a gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.
8. "Retail service station" means any new or existing motor vehicle fueling service station subject to payment of California sales tax on gasoline sales.
9. "Existing retail service station" means any retail service station operating, constructed, or under construction as of December 14, 1988.
10. "New retail service station" means any retail service station which is not constructed or under construction as of December 14, 1988.
11. "Tank replacement" means replacement of one or more stationary storage tanks at an existing retail service station or excavation of 50 percent or more of an existing retail service station's total underground liquid piping from the stationary storage tanks to the gasoline dispensers.

12. "Throughput" means the volume of gasoline dispensed at a retail service station.

C. PHASE I - GASOLINE LOADING INTO STATIONARY TANKS

1. Requirements

No owner or operator shall transfer, permit the transfer, or provide equipment for the transfer of gasoline, and no other person shall transfer gasoline from a gasoline delivery tank equipped with a vapor recovery system into a stationary storage tank at a retail service station unless an ARB-certified Phase I vapor recovery system is installed on the stationary storage tank and used during the transfer.

2. Exemptions

- a. A transfer to a stationary storage tank with a capacity of less than 260 gallons.
- b. A transfer to a stationary storage tank used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.
- c. A transfer to a stationary storage tank used exclusively to fuel motor vehicles with a fuel capacity of five gallons or less.
- d. A transfer to a stationary storage tank at an existing retail service station which receives gasoline exclusively from delivery tanks that are not required to be equipped with vapor recovery systems.
- e. An existing retail service station with an annual station gasoline throughput from tanks other than those described above of 450,000 or fewer gallons during 1987. If during any calendar year thereafter the gasoline throughput from such tanks at the existing retail service station exceeds 450,000 gallons, this exemption shall cease to apply, commencing with the first day of the following calendar year. However, at the time of tank replacement at an existing retail service station with an annual station gasoline throughput of 120,000 gallons or more, ARB-certified Phase I vapor recovery systems shall be installed and used thereafter on all of the station facilities that are not exempt under Sections 2 (a), (b), (c), or (d).

3. Permit Fee

All retail service stations subject to this rule shall obtain an Authority to Construct/Permit to Operate at the time of installation of Phase I equipment, and shall pay a fee in accordance with Regulation III, Schedule 5.

D. PHASE II - TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS

1. Requirements

No owner or operator shall transfer, permit the transfer or provide equipment for the transfer of gasoline from a stationary storage tank at a retail service station into a motor vehicle fuel tank unless an ARB-certified Phase II vapor recovery system is installed and used during the transfer.

2. Exemptions

An owner/operator seeking an exemption from any section of this rule must supply the APCO with all information necessary for the APCO to determine whether such an exemption should be granted. A photo copy of the owner's/operator's Franchise Tax Board report will be sufficient to meet this requirement. Owners/Operators seeking exemption on throughput criteria must petition annually to renew such exemptions. All information must be certified to be correct under penalty of perjury by the applicant and should be supplied to the District within 60 days of the start of each calendar year.

- a. A transfer of gasoline from a stationary storage tank which is exempt from Phase I requirements under Sections C. 2 (a), (b), or (c).
- b. An existing retail service station which is exempt from Phase I requirements under Section C. 2 e.

3. Correction of Defects

No owner or operator shall use or permit the use of any Phase II system or any component thereof containing a defect identified in Title 17, California Administrative Code, Section 94006, Part III, Chapter 1, Subchapter 8:

- a. Absence or disconnection of any component required to be used in the system as certified by the California Air Resources Board;
- b. A nozzle hose which is crimped or flattened such that the vapor passage is blocked;
- c. A nozzle boot which is torn in one or more of the following manners:
 - 1. Triangular-shaped or similar tear 1/2-inch or greater to a side, or hole 1/2-inch or greater in diameter or,
 - 2. Slit 1-inch or greater in length.
- d. Faceplate or flexible cone which is damaged in the following manner:
 - 1. For balance nozzles and for aspirator assist type nozzles, tears or separation resulting in improper interface seal for an additive 1/4 of the circumference of the Faceplate;

2. For vacuum assist type nozzles, greater than 1/4 of the flexible cone missing;
- e. Nozzle shutoff mechanisms which malfunction in any manner;
- f. Vapor return lines, including such components as swivels anti-recirculation valves and underground piping, which malfunction or are blocked;
- g. Vapor processing device which is inoperative or severely malfunctioning;
- h. Vacuum producing device which is inoperative or severely malfunctioning;
- i. Pressure/vacuum relief valves, vapor check valves, or dry breaks which are inoperative;
- j. Any equipment defect which is identified in a California Air Resources Board system certification as substantially impairing the effectiveness of the system in reducing air contaminants;
- k. Any improper or non California Air Resources Board certified equipment or components.

4. Prohibition of Use

Whenever the Air Pollution Control Officer (APCO) determines that a Phase II vapor recovery system, or any component thereof, contains a defect specified by the California Air Resources Board pursuant to Section 41960.2 (c) of the Health and Safety Code or specified in Section 3 of this rule the APCO or his delegate shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced or adjusted, as required to permit proper operation, and the APCO or his delegate has reinspected it or has authorized its use pending reinspection.

5. Posting of Operating Instructions

The owner or operator of each gasoline dispensing facility requiring a Phase II vapor recovery system shall conspicuously post in the gasoline dispensing area operating instructions for the system and the District's or the Air Resource Board's telephone number for complaints. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles, and shall include a warning that topping off may result in spillage or recirculation of gasoline.

6. Compliance Schedule

For the purposes of the Rule, the following compliance schedule shall apply:

- a. The owner or operator of any new retail service station subject to this rule shall comply with the provisions of this rule at the time gasoline is first sold from the station.

- b. The owner or operator of any existing retail service station without ARB-certified Phase I and II vapor recovery systems shall notify the air pollution control officer in writing in advance of an intended tank replacement and shall secure all necessary permits and other approvals for the installation of Phase I and II vapor recovery systems. The owner or operator of an existing retail service station shall comply with the provisions of this section upon completion of the tank replacement.
- c. The owner or operator of an existing retail service station subject to this rule, who has not earlier complied in accordance with (6) (b), shall by March 14, 1990 secure all permits and other approvals necessary for installation of the equipment required by this rule. The owner or operator shall comply with the provisions of this rule by December 14, 1990.
- d. Excluding those existing retail service stations subject to this rule as a result of tank replacement, the owner or operator of a previously exempt stationary storage tank or retail service station where the operation or annual throughput has changed such that the exemption from either the Phase I or II requirements or both is no longer applicable, shall within 15 months after loss of exemption secure all permits and other approvals necessary for installation of the equipment required by this rule. The owner or operator shall comply with the provisions of this rule within 24 months after loss of exemption.

7. Permit Fee

All retail service stations subject to this rule shall obtain an Authority to Construct/Permit to Operate at the time of installation of Phase II equipment, and shall pay a fee in accordance with Regulation III, Schedule 5.